

19.05.2025
SL.34
Ct.No.28
NB

CRM (A) 1575 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Halisohar P.S. Case No.31 of 2025 dated 10.02.2025 under Sections 108/351(2) of BNS pending before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas.

And

In the matter of: Anju Brahma & Anr. petitioners

Mr. Sankar Paul,
Ms. Kumari Shipra Roy.
...for the petitioners.

Ms. Shaila Afrin,
Ms. Sudeshna Das.
...for the State.

Mr. Arindam Jena,
Ms. Ananya Dey,
Mr. Rahul Suntani.
...for the de facto complainant.

Vakalatnama filed on behalf of the de facto complainant is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The FIR was registered about 13 days after the date of incident. The petitioners and the victim got acquainted over social media. They never met in person. The parents of the two were in the process of negotiating their marriage. However, it is alleged in the FIR that the parents of the petitioner no.2 asked for two year's time for the marriage and a sum of rupees ten lakhs as dowry. There was no abetment whatsoever for the suicide in question that took place in the parental home of the victim.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail and submits that there was instigation on the part of the petitioners for the incident that happened.

Learned counsel appearing on behalf of the State relies on the materials available in the case diary including on the statement of a friend recorded before the learned Magistrate.

It will be for the Courts to finally decide whether there was any element of abetment of suicide in this case.

However, in the view of the nature of allegations and the materials available in the case diary, I do not think that custodial interrogation of the petitioners are required in this case

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition to cooperate with the investigation and the petitioner no.2 shall meet the Investigating Officer once a fortnight till submission of report in final form and the petitioners shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM (A) 1575 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)