

03.07.2025

Item No.23

Ct.No.28

Bpg/dc.

Partly Allowed

C.R.M. (A) 1885 of 2025

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Hasnabad Police Station Case No. 472 of 2023 dated 18.11.2023 under Sections 379/498A/406/326A/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re : **Parbina Bibi @ Samsura Parvin Bibi @ Parvin Bibi and others**

... Petitioners.

Mr. Asraf Mandal

... For the Petitioners.

Ms. Shaila Afrin,
Ms. Pallavi Priyadarshee

... For the State.

Heard the learned counsels for the parties.

Perused the case diary.

It appears from the case diary that there is a dying declaration given by the victim lady naming the petitioner nos. 1 and 2 as two of the prime culprits. The petitioner no.1's name is also available in the statements of some other witnesses generally as having committed tortured upon the victim along with others.

Considering the incriminating materials available in the case diary and the respective alleged roles ascribed to the present petitioners, while I am not inclined to grant anticipatory bail to the petitioner nos.1 and 2, I am inclined to grant anticipatory bail to the petitioner no.3.

Thus, in the event of arrest, the petitioner no.3 namely, Md. Fajer Ali Molla @ Fajer Ali Gazi shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner no.3 shall not tamper with evidence and shall not threaten or intimidate witnesses and also shall attend the jurisdictional court regularly.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)