

16.07.2025
SL.23
Ct.No.28
NB

CRM (A) 2227 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 Memari P.S. Case No.320 of 2025 dated 07.05.2025 under Sections 103(1)/238/3(5) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Chief Judicial Magistrate, Purba, Bardhaman.

And

In the matter of : Somenath Samanta & Ors. ...petitioners

Mr. Subrata Bhattacharjya
...for the petitioners.

Mr. Soumik Ganguly,
Mr. Dipankar Paramanick.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. As the petitioner nos.1 and 3 have already been arrested, their application for anticipatory bail has become infructuous.

Accordingly, the application for anticipatory bail of the petitioner nos.1 and 3 are dismissed as having become infructuous.

Learned counsel appearing on behalf of the petitioner further submits as follows. The petitioner no.2 has a 3 years old child. Earlier, complaints were made by the deceased against the present de facto complainant.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, relies on the case diary and points to the postmortem report and the statements of witnesses.

Considering the materials available in the case diary, the alleged roles ascribed to the present petitioners and the fact that there are statements of witnesses alluding to the fact that the victim was suffering from some kind of mental disorder, I do not think that custodial interrogation of the petitioner no.2 (Susmita Samanta @ Susmita Gon) is required in this case and I am inclined to grant anticipatory bail to the petitioner no.2 (Susmita Samanta @ Susmita Gon).

Accordingly, in the event of arrest, the petitioner no.2 (Susmita Samanta @ Susmita Gon) shall be released on bail upon furnishing a bond of Rs.10,000/- 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 that she shall cooperate with the investigation and shall not threaten or intimidate witnesses.

The application for anticipatory bail being **CRM (A) 2227 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.)