

29.07.2025
Court No.28
Item No.43
tbsr
Allowed

CRM (A) 2316 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Thanarpara** P.S. Case No.**69 of 2025** dated **15.03.2025** under Sections **109/117(2)/118(2)** of the Bharatiya Nyaya Sanhita, 2023 charge sheet under Sections **126(2)/117(2)/118(2)/109/103(1)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Tagar Bibi @ Tagara Khatun Mondal**

....Petitioner.

Mr. Jaydeep Biswas
Mr. Asraf Mandal
Mr. Tusar Shil
Mr. Kaushik Ghosh
...for the petitioner.

Mr. Bidyut Kumar Roy
Mr. Sujan Chatterjee
....for the State.

Ms. Shalini Bairagi
Mr. Priyankar Ganguly
....for the de-facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the wife of the principal accused who was arrested in this case. There was a scuffle between two brothers, which resulted in the death of one. The petitioner has been falsely implicated in this case. It appears that the FIR and certain statements of witnesses contained the petitioner's name as one of the assailants. However, the relative of the victim who brought him to the hospital stated before the doctors that the victim was assaulted by his brother. The post mortem report also shows only one injury inflicted on the body.

Learned counsel appearing on behalf of the de-facto complainant strongly opposes the prayer for anticipatory bail. She refers to the FIR and the statements of other witnesses that have taken the name of the petitioner as the subsequent assailant.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to the statements of the witnesses including those of independent ones. However, he also admits that as per post mortem report there is only one injury on the dead body of the victim.

Considering the materials available in the case diary including the post mortem report, the alleged roles ascribed to the accused, the fact that the principal accused was arrested and charge sheet has already been submitted, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner 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 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 condition that the petitioner shall appear before the learned jurisdictional Court and pray for bail within four weeks and shall attend the jurisdictional Court regularly.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)