

20.01.2025

(Bench ID 1472)

(JPD 66)

(S. Banerjee)

(Allowed)

CRM(A) 1035 of 2024

In re: An application under Section 438 of the Code of Criminal Procedure, 1973/ Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali Police Station Case No. 736 of 2024 dated 23.10.2024 under Sections 108/3(5) of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: Dilip Mitra & Anr.

...petitioners

Mr. Bablu Mitra

... for the petitioners

Mr. Kallol Acharjee
Ms. Sukanya Adhikary

... for the State

Petitioners submit that there was a matrimonial dispute between one Shukla Mohanty and her husband, i.e., the deceased. The petitioner no. 1 is a member of the Gram Panchayat and the petitioner no. 2 is his wife. They did not play any role in their matrimonial life and they have been falsely implicated. Co-accused have been granted anticipatory bail and they pray for similar relief.

Learned counsel for the State opposes the bail prayer.

Statements of witnesses show a quarrel had broken out between the deceased and her wife Shukla Mohanty. Petitioners and others had abused and assaulted the deceased.

Whether conduct of the petitioners in intervening in a matrimonial dispute would amount to abetment to suicide, would be assessed at the appropriate stage of the proceeding and custodial interrogation of the petitioners is not necessary for that purpose. Co-accused have already been granted anticipatory bail.

Accordingly, we are inclined to extend similar reliefs to the present petitioners.

Accordingly, we direct that 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, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

Petitioners shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)