

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
CrI Misc Case No.2350/2024
CNR WBUD01-004295/2024

Present:- Sri Partha Pratim Chakravorty(WB01277)
Sessions Judge, Uttar Dinajpur at Raiganj
03/23.12.2024

This application for anticipatory bail u/s 482 of B.N.S.S filed on behalf of present petitioners **1. Budhu Barman, 2. Paikaru Barman, 3. Gedal Barman, 4. Pato Barman, 5. Fakdullu Barman @ Fakdul Barman, 6. Anil Barman and 7. Jotish Barman @ Jatibasus Barman** in connection with Hemtabad P.S. Case No.307/2024 dated 29.11.2024 vide GR 2664/2024 u/s 85/115(2)/117(2)/109(1)/351(3)/3(5) B.N.S is taken up for hearing.

Complainant is present in Court today and represented by her Ld Advocate who appears by filing Vokalatnama. Along with said Vokalatnama some documents including petition of objection is filed. Let the same be kept with the record.

Learned Advocate for the petitioners by filing an affidavit submits that no such application under section 482 of B.N.S.S is either rejected or pending in this Court or before the Hon'ble Higher Courts prior to this application.

On query, Ld. Public Prosecutor submits that there is no reflection in the CD that there is any bail application either pending or rejected by Hon'ble Higher Courts and IO also did not intimate him that any bail application is pending or rejected by Hon'ble Higher Courts.

It is submitted from the end of the accused/petitioners by their Ld Counsel that investigation in the present case has progressed to a considerable extent. It is furthermore ventilated from the end of the accused/petitioners by the representing Ld Advocate that the intervening facts and circumstances of the present case and more fully the allegations transpiring from the complaint will convincingly indicate that the incident is the outcome of a matrimonial dispute and no such incident took place subjecting the complainant at the behest of the accused/petitioners on the fateful day as evident from the complaint. On the basis of aforesaid submission, Ld Lawyer for the accused/petitioners prays for anticipatory bail on any condition as the Ld Court may deems fit and proper.

Ld Chief PP vehemently opposes the prayer for anticipatory bail of the accused/petitioners and in course of his submission draws my attention to the documents that have surfaced in CD through investigation process till date including statement of witnesses recorded u/s 180 of B.N.S and medical documents. By placing reliance on this submission, Ld Chief PP leaves the adjudication of the instant anticipatory bail application to the discretion of Ld Court.

Ld Advocate for the complainant vehemently opposes the prayer for anticipatory bail of the accused/petitioners and in course of his submission draws my attention to the fact that in the present case the complainant was subjected to torture, harassment and maltreatment in all forms both physical and mental by her husband and in-laws being the petitioners herein since her marriage in her matrimonial home and when such torture became unbearable for her, she

(Contd....)

took the extreme step of consuming poison and causing physical harm and damage to her existence. As per the Ld Advocate for the complainant, the gravity of the allegations leveled against the accused/petitioners herein will not create a congenial ground for the Ld Court to show any leniency to the prayer for anticipatory bail of the petitioners herein.

Heard the submissions advanced from all sides. Perused the materials that have surfaced in CD together with those present in LCR.

It is an admitted position that investigation in the instant case has progressed to a considerable extent. On a detailed analysis of the documents that have surfaced in the CD through the investigation process together with the relevant facts and circumstance, I do not find the presence of any unflinching and impeccable peace of evidence which may restrict me from conferring the benefit of anticipatory bail to the petitioners herein at this stage of investigation. However, at the present moment, I think that justice will be sub-served if an interim bail is granted to the accused/petitioners. Accordingly, prayer for anticipatory bail u/s 482 of B.N.S is hereby considered and allowed on **interim basis**.

Accused/Petitioners namely **1. Budhu Barman, 2. Paikaru Barman, 3. Gedal Barman, 4. Pato Barman, 5. Fakdullu Barman @ Fakdul Barman, 6. Anil Barman and 7. Jotish Barman @ Jatibas Barman**, in the event of arrest, in connection with Hemtabad P.S. Case No.307/2024 dated 29.11.2024 vide GR 2664/2024, be released on furnishing bail bond of Rs.6,000/- each with two sureties of Rs.3,000/- each, subject to the satisfaction of the Arresting Officer. If on bail they will comply with the provisions of section 438(2) Cr.P.C and with conditions: **(1)** only male petitioners will meet with IO once in a fortnight till submission of report in final form, **(2)** they will not cause any disturbance to the complainant and her family members in any manner whatsoever, **(3)** they will not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The aforesaid accused/petitioners must appear before this Court on 24.03.2025.

Put up the record on 24.03.2025.

IO of this case is directed to file a comprehensive report on the next date fixed about compliance of aforesaid conditions by the accused/petitioners .

O/C of Hemtabad PS is directed to ensure the compliance of the order by the IO.

Return LCR and CD with a direction to produce the same on the date fixed.

Let a copy of this order be sent to Ld C.J.M, Uttar Dinajpur for information.

Let a copy of this order be sent to O/C, Hemtabad PS for compliance.

Dictd. & cortd.

S.J.

Sessions Judge, U/Dinajpur.