

24.11.2020
SL No.6
Court No.12
(gc)
(antibail allowed)

CRM 7905 of 2020

(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rajganj** P.S. Case No.**310/2019** dated **21.09.2019** under Sections **306/34** of the Indian Penal Code.

And

In the matter of: **Bapi Das & Ors.**

....Petitioners.

Mr. Sudip Guha,

...for the Petitioners.

Mr. Nilay Chakraborty,
Mr. Abhijit Sarkar

...for the State.

The petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned Counsel for the petitioners submits that the petitioners have been falsely implicated in this case.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the petitioner No.3 had a love relationship with the deceased and due to abusive language used by the petitioner No.1 out of shock, the deceased may have committed suicide. The learned Counsel has relied upon the post-mortem report which shows that the cause of death as "Shock & Asphyxia following Antemortem Suicidal Hanging".

Having considered the materials on record and the nature and extent of complicity of the petitioner in the commission of

alleged offence and also having regard to the fact that the charge-sheet has already been filed, we are inclined to grant anticipatory bail to the petitioner No.2 and with regard to the petitioner Nos.1 and 3 the anticipatory bail is also granted but for a period of four weeks within which time they must obtain regular bail from the trial court.

In the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each, together with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Cr.P.C., 1973. The petitioners shall not enter the jurisdiction of the concerned Police Station except for meeting the Investigating Officer and/or attending the Court. It is also directed that the petitioner Nos. 1 and 3 shall meet the Investigating Officer of the case once a week until further order.

Accordingly, the application for anticipatory bail being CRM 7905 of 2020 is allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)