

25.11.2020
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Sws M/G.S.Das
Ct. No.11

CRM 9123 of 2020

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Haroa Police Station Case No. 339 of 2020 dated 26.9.2020 under sections 306/34 of the Indian Penal Code, 1860.

And

In the matter of : **Simran @ Simran Sultana & Ors.**

..... Petitioners

Mr. Kallol Mondal
Mr. Krishan Ray
Ms. Amrita Chel
Mr. Anamitra Banerjee

.... for the Petitioners

Mr. Satadru Lahiri

... for the Defacto-complainant

Mr. Bidyut Kr. Roy
Ms. Rita Datta

.....for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned Counsel for the petitioners submits that the present petitioners are innocent of the charges and have been implicated in the case pursuant to the relationship between the petitioner no.1 and the victim failing to materialise it. Learned Advocate further submits that having regard to the nature of allegations made in the FIR custodial

detention of the petitioners may not be warranted in the facts and circumstances of the case.

Mr. Roy, Learned Advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the statements of the relatives and the neighbours. It is specifically pointed out by the Learned Advocate for the State that the parents of the petitioner no.1 (being petitioner No.2 and petitioner no.3) provoked the victim to end his life.

Mr. Lahiri, Learned Advocate for the Defacto-complainant, submits that the provocation was in close proximity of the time after which the deceased committed suicide. He further submits that such mental torture upon the victim was continuous and as a consequence the victim decided to end his life.

We have taken into account the submissions advanced by all the parties as also the materials available in the case diary and having regard to the background of the case, we are of the opinion that although there are allegations which require to be investigated but the same cannot be at the cost of the petitioners being taken into custody.

Accordingly, the prayer for anticipatory bail of the petitioners is **Allowed.**

In the event of arrest, the petitioners (1. Simran @ Simran Sultana 2. Md. Sirajul Islam @ Sirajul Islam Molya 3. Salima Bibi @ Selima Bibi 4. Faruk @ Omar Faruk) shall be released on bail upon furnishing bond of Rs.10,000/- (rupees ten thousand only) each, with two sureties of Rs.5000/- (rupees five thousand) each, one of whom must be local to the satisfaction of the arresting officer or the investigating officer of the case and on condition that the petitioners shall not tamper with the evidence or intimidate the witnesses. The petitioners shall not leave the jurisdiction of Haroa Police Station without the leave

of the Learned ACJM, Basirhat. The petitioner Nos. 2 and 4 are directed to meet the investigating officer of the case once in a week on and from 2.12.2020.

The aforesaid order of anticipatory bail shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure

With these observations, CRM 9123 of 2020 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)