

02.12.2020

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**CRM 9541 of 2020
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Santipur P.S. Case No.438 of 2020 dated 05.10.2020 under Sections 306/34 of the Indian Penal Code.

And

In the matter of: **Akshay Ghosh & Ors.**

....Petitioners.

Mr. A. Chakraborty

...for the Petitioners.

Ms. Faria Hossain

Ms. Baisali Basu

...for the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioners say that more than two months after the unnatural death of the victim, the petitioners have been pursued on the basis of a petition of complaint filed under Section 156(3) of the Criminal Procedure Code.

The State says that the delay was neither inordinate nor would the perceived delay defeat a genuine complaint. The State says that there is a ring of truth in the allegations levelled, though there is no doubt that the post-mortem report indicates that the death of the victim was suicidal in nature.

Considering the material and the tenuous connection of the petitioners with the victim and the manner of the victim's death, the immediate arrest of the petitioners is not called for.

In the event of arrest, the petitioners will be enlarged on bail on furnishing security of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer.

In addition, the petitioners shall comply with the terms laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 9541 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)