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19-05-2021

Court 28

**C.R.M. 1375 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raghunathgunj Police Station Case No. 417 of 2020 dated 31.08.2020 under sections 363/365/302/201 of the Indian Penal Code.

Milon Sk.

Versus

State of West Bengal

Allowed

Mr. Sabir Ahmed, Adv.

Mr. Apan Saha, Adv.

...for the petitioner.

Mr. Rana Mukherjee, Adv.

Ms. Sujata Das, Adv.

...for the State.

The learned Counsel for the petitioner submits that the petitioner had a love relationship with the minor (since deceased) and he has been falsely implicated in this case.

The learned Counsel for the State submits that it is significant to note that both the petitioner and the girl went missing and thereafter the body of the girl was recovered from a river. It is submitted that the chemical examination of viscera of the victim is awaiting. It is submitted that viscera was sent for chemical examination to the FSL on 16th October, 2020 and the report is awaiting. However, it is fairly submitted that the relatives of the victim had admitted that there was a love affair between the parties.

Considering the materials available on record and on prima facie satisfaction that the nexus between the alleged incident and the mens-rea of the petitioner is not readily available from the case diary, we are inclined to grant anticipatory bail to the petitioner since we are of the view that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner, namely, Molon Sk. shall be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each,

one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain operative for a period of four weeks within which time, the petitioner shall approach the learned trial court for regular bail.

The jurisdictional court shall consider the application for bail uninfluenced by any observation made by us on the basis of the records that may be available.

The Directorate, FSL is requested to furnish the chemical examination report within a period of two weeks from the date of communication of this order by the Investigation Officer of this case.

The Investigation Officer shall act for expeditious obtaining the copy of the said report so that the same may be placed before the jurisdictional court at the time of consideration of the prayer for regular bail.

The application for anticipatory bail is allowed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)