

21.09.2021

CRM 1944 of 2021

Court No.28
Item No.175
(REJECTED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.02.2021 in connection with Bankura Sadar Police Station case No. 231 of 2020 dated 03.11.2020 under Sections 306/34 of the Indian Penal Code;
And

In the matter of : **Rajesh Chowdhury.**

...Petitioner

**Mr. Mrityunjoy Chatterjee,
Mr. Susnigdho Bhattacharyya.**

...For the Petitioner

Mr. Shiladitya Banerjee.

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Bankura Sadar Police Station case No. 231 of 2020 dated 03.11.2020 under Sections 306/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate for the petitioner that the petitioner has been unnecessarily implicated in the instant case despite the fact that the deceased defalcated the fund of the Flipkart for whom the petitioner was acting as a transporter and thereafter committed suicide. It is further submitted that the charge-sheet has already been submitted and there is no justification in further investigation of the petitioner.

The State opposes the prayer for anticipatory bail. It is submitted that the petitioner has been held responsible for commission of

suicide, which would be evident from the suicidal note left by the deceased.

After hearing the respective submissions, we do not find that there is any material forthcoming relating to the case sought to be made out by the petitioner in the instant application. Neither the Flipkart has categorically raised such objection nor any action has been taken by the petitioner with regard to the same. Even if the charge-sheet has been submitted but we do not find that further investigation cannot be made on the basis of a statement made by the petitioner before the Investigating Officer.

We, thus, do not find that it is a fit case for anticipatory bail.

The application for anticipatory bail being CRM 1944 of 2021 is, thus, ***rejected.***

(Harish Tandon, J)

(Bibek Chaudhuri, J.)