

06.08.2021
Item no. 58
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 2496 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 08.03.2021 in connection with Chanchal Police Station Case No. 1031 of 2019 dated 01.12.2019 under Sections 306/34 of the Indian Penal Code.

And

In the matter of : Sudhir Das & Anr.

.....Petitioners.

Mr. Kaustav Bagchi, Advocate,
Mr. Arup Sarkar, Advocate,
Mr. Sourav Mukherjee, Advocate,
Mr. Debayan Ghosh, Advocate,

.....for the Petitioners.

Mr. S.G. Mukherjee, Ld. P.P.,
Ms. Faria Hossain, Advocate,
Mr. Aniket Mitra, Advocate,

.....for the State.

The petitioners are the uncle-in-law and the son of the uncle-in-law of the victim/husband who committed suicide near the house of his parents-in-law.

It is submitted on behalf of the petitioners that they have no role to play in the death of the victim and have been falsely implicated due to marital discord between the victim and his wife.

The State opposes the prayer for anticipatory bail and refers to the statements of witnesses recorded under Section 161 of the Code.

We have perused the material on record. We find that there is no specific allegation against the petitioners in the statements of witnesses recorded in the course of investigation. Charge sheet has been submitted upon completion of investigation.

In view of the extent of complicity of the petitioners in the alleged offence, we are inclined to hold that they may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2496 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)