

22.09.2021
Item no.57
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 2988 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 24.03.2021 in connection with Balurghat Police Station Case No. 64 of 2021 dated 22.01.2021 under Section 306 of the Indian Penal Code.

And

In the matter of : Koushik Adhikary @ Adhikari.

.....Petitioner.

Mr. D. Haque, Advocate,
Mr. Abdul Zahid, Advocate,

.....for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Advocate,
Mr. Arindam Sen, Advocate,

.....for the State.

The petitioner has been charged with an offence punishable under Section 306 of the Indian Penal Code. It is alleged that the petitioner has instigated the victim to commit suicide.

The petitioner says that this was a case of unrequited love. The victim somehow took a fancy for the petitioner and fell in love with him. The petitioner was in relationship with another girl which he told the victim. But the victim could not be dissuaded.

We have seen the material in the case diary including the statements of the victim's sister and a close friend.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, although the charge-sheet has not yet been filed, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner namely **Koushik Adhikary @ Adhikari** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 petitioner fails 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 2988 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

