

07.06.2021
AJ.,ct 28
Sl no. 28.

C.R.M. 3758 of 2021

(Via Video Conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.05.2021 in connection with Sonarpur P.S case no. 209/2021 dated 24.03.2021 under sections 302/201 of the Indian Penal Code, 1860 (corresponding to G.R. no. 1823 of 2021).

And

Allowed

In Re : **Debdas Pramanik & Anr.** petitioners.

Mr. Moyukh Mukherjee. for the petitioners.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Arijit Ganguly,
Mr. S.K. Das. for the State

The application for anticipatory bail has been filed in respect of Sonarpur Police Station Case No. 209/2021 dated 24th March, 2021 under Sections 302/201 of the Indian Penal Code.

It is submitted by the Counsel for the petitioners that the instant FIR has been filed by the sister and brother-in-law of the petitioners, since after taking out civil proceedings and is an afterthought.

The application has been aggressively opposed by the Counsel for the State primarily on the basis of the post mortem report. It is submitted that since the burn marks have been found on the back of the victim, this could not have been a case of suicide. Counsel for the State also submits there are civil disputes with regard to the immovable property of the deceased.

It appears from the records and the case diary that the original incident where the victim had committed suicide occurred on 8th of June, 2020 at about 10-10.30 hours. The matter was treated as a suicide by the authorities and civil disputes emerged between the petitioners and the complainants.

Having considered materials on record and the case diary, this Court is of the view that the petitioners have made out a case for anticipatory bail custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that 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, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973. The accused while on bail shall appear before the investigating officer once a week and as and when called for.

In the event of violation of any of the aforesaid conditions the bail shall be treated cancelled by the trial Court without further reference to this Court.

The application for anticipatory bail CRM 3758 of 2021 is allowed.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)