

13.12.2021
Sl. No.44
akd
[ALLOWED]

C. R. M. 4325 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.06.2021 in connection with Ratua Police Station Case No. 224 of 2021 dated 12.05.2021 under Sections 323/379/306/34 of the Indian Penal Code. (G.R. Case No.1017 of 2021)

And

In Re: ***Moddaser Alam @ Maddhu & Ors.***

... .. Petitioners

Mr. Srijib Chakraborty
Mr. Sunny Nandy

... .. for the petitioners

Ms. Sabnam Laskar

... for the de-facto complainant

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

... .. for the State

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case. It is further submitted that the petitioners had not abetted the suicide of the deceased.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners had assaulted the deceased on the previous day.

Learned advocate appearing for the de-facto complainant also opposes the prayer for anticipatory bail.

We have considered the materials on record. Statements of witnesses disclose there was a skirmish between the petitioner and deceased over accusation that the deceased was involved in an illicit relationship with a lady. On the next day he committed suicide. No suicide note was left behind by the deceased. Whether the facts and circumstances would disclose ingredients of the offence punishable under Section 306 of the Indian Penal Code may be assessed during

trial. However, in the facts and circumstances of the present case, we are of the opinion that custodial interrogation of the accused/petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Moddasser Alam @ Madhu, (2) Naimul Hoque @ Niaj, (3) Abdul Halim & (4) Abdur Nur**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 and on further condition that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)