

07.12.2021
Item no.206
Court No.32
Avijit Mitra

C.R.M. 5445 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Mili Prasad & ors.

.... petitioners

Mr. Angshuman Chakraborty,

Mr. Shashanka Shekhar Saha

....for the petitioners

Mr. Rudradipta Nandy

..... for the State

Apprehending arrest in connection with West Port Police Station Case No.105 of 2021 dated 11.04.2021 under Sections 302/201/120B of the Indian Penal Code, the present application is filed praying for anticipatory bail.

Heard the learned lawyer for the petitioner and perused the case diary.

We have perused the statement of the *de facto* complainant, namely, the father of the victim where there is no specific allegation of commission of any offence against the present petitioners or any other person. Statements of witnesses do not implicate the present petitioners in the alleged commission of offence. *Post-mortem* report shows that it is a case of drowning. On perusal of statement of witnesses we find exculpatory materials in the case diary. Although investigation is in progress, considering the available materials and nature of allegation, we are inclined to allow anticipatory bail to the present petitioners.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Mili Prasad, Smt. Sunita Kahar and Smt. July Prasad alias Bibha Chaudhuri**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail being C.R.M.5445 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)