

11.03.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **Islampur** Police
Sl.56 Station Case **No.649 of 2020** dated **17.08.2020** under Sections
Ct.28 **302/201/120B/34** of the Indian Penal Code;

And

In re: Dipankar Roy @ Totan

... petitioner.

Ms. Suchitra Chatterjee

... for the petitioner.

Mr. Neguive Ahmed

Ms. Manisha Sharma

...for the State.

Ms. Chatterjee, learned advocate appearing for the petitioner submits that the complaint had been lodged about a month after the alleged incident on the basis of an order passed in an application under Section 156(3) of the Code. The entire case is based upon circumstantial evidence and no overt act has been attributed to the petitioner. There is also no allegation that there was any enmity among the petitioner and the deceased and in view thereof, custodial interrogation of the petitioner is not warranted.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to a statement of one of the friends of the deceased, as recorded under Section 161 of the Code and the *post-mortem* report.

We have perused the materials in the case diary and the *post-mortem* report. Considering the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Dipankar Roy @ totan** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on a further condition that the petitioner shall meet with the investigating officer as and when called for.

Accordingly, the application for anticipatory bail being CRM

No.10955 of 2020 is allowed.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)