

18.02.2021
Court No.1
SL No. 16
s.biswas

**THE CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)**

C.R.M. 69 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhaktinagar** P.S. Case No. **722 of 2020** dated **18.08.2020** under Section **305** of the Indian Penal Code.

And

In the matter of: **Prodip Das alias Santana Das & Ors.**

....Petitioners

Mr. Arnab Sengupta

Mr. Deborshi Dhar

...for the Petitioners

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Tapan Bhattacharjee

...for the State

The petitioner no.1 is the brother of the principal accused, namely, Patit Paban Das who has been enlarged on bail after a substantial period of custody in jail in connection with Bhaktinagar Police Station Case No. 722 of 2020 dated 18.08.2020 under Section 305 of the Indian Penal Code, corresponding to G.R. Case No. 3554 of 2020 pending in the Court of learned Chief Judicial Magistrate, Jalpaiguri.

It is submitted on behalf of the petitioners that the petitioner no.1 being the brother, petitioner no.3 being the mother and the petitioner no.2 being the minor brother of the principal accused are apprehending arrest in connection with the case.

It is also submitted that the petitioner no.2 being minor, may not be entitled to grant an anticipatory bail. Accordingly, learned advocate for the petitioners submits for not pressing the prayer for anticipatory bail as against the petitioner no.2.

Let it be so recorded.

Now, we have heard the learned advocates for the petitioners and the State at length and considered the case diary produced before us. We have gone through the materials on record. It appears that prima facie case is allegedly said to be made out against all the petitioners for abetment to the victim to commit suicide. But we are of the view that essential ingredients as reflected in the case diary may not establish offence as alleged against the petitioners who have sought for anticipatory bail as they are apprehending arrest, because there is no complicity of the petitioners in the commission of the alleged offence and they are innocent and they have been falsely implicated.

Having regard to the statements of the witnesses as appearing in the case diary and nature of offence, we are inclined to admit the petitioner nos.1 and 3 on anticipatory bail.

It is ordered accordingly that in the event of arrest, the petitioner nos. 1 and 3 shall be released on bail upon furnishing a bond of Rs.5,000/- with two sureties of like amount each one of must be local, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

The petitioner no.2 may approach before the Juvenile Justice Board for available relief in connection with this case.

Thus, CRM 69 of 2021 is disposed of.

(Hiranmay Bhattacharyya, J.)

(Shivakant Prasad, J.)