

25. 13.09.2021

Ct.32

Tanmoy

Allowed

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

C.R.M. 435 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **22/03/2021** in connection with **New Jalpaiguri Police Station Case No. 1330 of 2020** dated **10/11/2020** under Section **306** of the Indian Penal Code.

And

In the matter of: - **Gour Saha**

...petitioner.

Mr. Hillol Saha Podder,

...for the petitioner.

Mr. Nilay Chakraborty,
Ms. Namrata Das

...for the State (through V.C.)

The petitioner says that he has absolutely no role to play in the death of the victim who committed suicide.

We have seen the material in the Case Diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. None of the statements clearly implicate the petitioner. The petitioner is the owner of a business and was awarded a contract for collecting parking fees. It appears that there was an altercation between the manager of the said business and one of the employees. Such employee was later found dead. The cause of death appears to be consumption of poison.

On an overall consideration of the material on record and the facts and circumstances of the case and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates fully with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Gour Saha** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 435 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)