

24.08.2021

Court No.28
Item No.JL-27
(allowed)

Saswata

(Via Video Conference)

CRM 709 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with New Jalpaiguri Police Station Case No. 238 of 2021 dated 14.03.2021 under Sections 302/34 of the Indian Penal Code adding Section 305 of the Indian Penal Code (G.R. Case No. 1172/2021) ;

And

In the matter of : **Suren Chandra Roy @ Suren Roy & Ors.**
...Petitioners

Mr. J.K.Bhowmik

...For the Petitioners

Mr. Aditi Shankar Chakraborty, APP

Mr. Ujjal Luksom

Mr. Aniruddha Biswas

...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with New Jalpaiguri Police Station Case No. 238 of 2021 under Sections 302/34 of the Indian Penal Code adding Section 305 of the Indian Penal, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Four persons have joined together and filed the instant application for anticipatory bail apprehending arrest in connection with the aforementioned case.

The case originated on the death of a girl who committed suicide when her marriage was fixed with the principal accused and likely to be solemnized in near future.

According to the learned Advocate for the petitioners she committed suicide under the misconception that the principal accused has developed a relationship with another girl. The said principal

accused has already been enlarged on bail by the Sessions Judge, whereas the present petitioners being his father, mother, elder aunt and the cousin brother are being chased by the police in connection with the aforesaid case.

On the conspectus the aforesaid fact that once the principal accused has already been enlarged on bail and the charge-sheet has already been submitted, the custodial interrogation of the petitioners, who are the family members of the prime accused, is unwarranted.

The prayer for anticipatory bail of the petitioners is, thus, **allowed.**

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Suren Chandra Roy @ Suren Roy, Chitki Roy @ Gita Rani Roy, Bhaggyadhar Roy @ Bhagya Roy** and **Sukni Roy @ Shakuni Roy**, shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail being CRM 709 of 2021 is, thus, **disposed of.**

(Harish Tandon, J.)

(Md. Nizamuddin, J.)