

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

24.09.2021
Court No.01
Item No.24
Avijit Mitra

CRM 893 of 2021

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

And

In Re: Mahesh Roy & anr.

...Petitioners

Ms. Madhusri Dutta

...For the Petitioners

Mr. Niloy Chakraborty,
Mr. Aniruddha Biswas

...For the State

Apprehending arrest in connection with Maynaguri Police Station Case No.382 of 2021 dated 27.07.2021 under sections 306/34 of the Indian Penal Code, the present application has been preferred.

Ms. Dutta, learned advocate appearing for the petitioners submits that the petitioners have not in any manner instigated the father of the *defacto complainant* to commit suicide and they have been falsely implicated. There was also a dispute amongst the parties pertaining to a plot of land. The petitioner no.1 is aged about 57 years and the petitioner no.2 is aged about 54 years and there is no likelihood that the petitioner would flee from justice. In the said conspectus, custodial interrogation is not necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioners' prayer and submits that the investigation is at its nascence and that there are incriminating materials on record against the petitioners.

Having heard the learned advocates for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case, more so when the petitioners are aged persons and *prima facie* there is no likelihood that they would flee from justice.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Mahesh Roy** and **Santosh Kumar Roy** shall be released on anticipatory 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 with further condition that the petitioners shall meet with the investigating officer once a week on and from 30th September, 2021 until further orders.

The application for bail, being CRM 893 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.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)