

30.11.2021

Item No.47

Ct.No.01

F.B/Subha

Allowed

C.R.M. 1096 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail apprehending arrest in connection with Siliguri Police Station Case No. 1244 of 2020 dated 20.09.2020 under Sections 306/32 of the Indian Penal Code (corresponding to G. R. Case No. 4508 of 2020).

And

In the matter of : Biswanath Dutta @ Biswajit Dutta
.. Petitioner.

Mr. Sayan De
Ms. Esha Acharya

... For the Petitioner.

Mr. Kallol Acharjee
Mr. Sagnik Sankar Sikdar

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner himself is the maternal-uncle-in-law of the deceased and has been falsely implicated in this case.

It has also been submitted that the investigation has concluded and the charge-sheet has been submitted.

Learned advocate for the State opposes the prayer for bail and draws the attention of this court to the

statement so collected by the Investigating Agency being suicidal note.

We have assessed the intrinsic value of the same and, prima facie, we find that there are other reasons for which the deceased committed suicide and the present petitioner is not solely responsible for the same.

Having regard to the fact that the investigation has already been concluded, we are of the view that the custodial detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we **allow** the application for anticipatory bail and direct that in the event of arrest, the ***petitioner*** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

This order of anticipatory bail will be valid for a period of eight(8) weeks from date within which the petitioner shall appear/surrender before the jurisdictional court and pray for regular bail.

With the aforesaid observations, the application for anticipatory bail, being **CRM 1096 of 2021** is, thus, ***disposed*** of.

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

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)