

CRM(A) No.293 of 2022

Via video conference

15.02.22

(S.R.)

Sl.51

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Ratua** Police Station Case No.68 of 2019 dated 29/01/2019 under Sections 306/34 of the Indian Penal Code;

And

In re: Arup Basak & Ors.

... petitioners.

Mr. Supal Chatterjee

... for the petitioners.

Mr. Ranabir Ray Chawdhury

Mr. Mainak Gupta

... for the State.

Mr. Chatterjee, learned lawyer appearing for the petitioners submitted that the present petitioners are falsely implicated in the instant offence. There is no incriminating element against the present petitioners. It is unfortunate that the victim committed suicide but that does not warrant custodial detention of the present petitioners in any manner. He further submitted that the petitioner no.4 is 58 years old person. He should also not be detained in view of scanty incriminating materials against him. Accordingly, he prayed for anticipatory bail on any stringent condition.

Per contra, Mr. Ray Chawdhury, learned lawyer appearing for the State invited our attention to the suicidal note and statement of the elder sister of the victim and submitted that the present petitioners have direct nexus with the alleged offence and strong incriminating elements are there against them. He further submitted that investigation is pending, so custodial detention may be necessary. Therefore, he strongly opposed grant of anticipatory bail.

We have heard rival submissions and perused the case diary. The contents of the suicidal note of the victim is corroborated by the statement of the elder sister which implicates all the petitioners. It

also appears that certain recoveries are necessary. Since investigation is pending and allegations are very grave and serious and materials indicate strong complicity of the present petitioners in the alleged offence, we are not inclined to allow anticipatory bail to the petitioners and the same stands rejected.

The application for anticipatory bail being CRM(A) No.293 of 2022 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)