

25.07.2022
Serial no. 07
[Dd]
(Anticipatory bail)
Allowed)

CRM 21 of 2018

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Siliguri** Police Station Case No. **744** of **2017** dated **18.10.2017** under Sections **363/365** of the Indian Penal Code, corresponding to G.R. Case No. **3189** of **2017**.

-And-

In the matter of : **Triban Sikder**

... .. Petitioner

Mr. Biswajit Manna, Advocate

... .. For the Petitioner

Mr. Rudradipta Nandy, Id. APP

... ..For the State

The petition is pending since 2018. The petition is for a prayer for grant of anticipatory bail. Initially an interim protection was granted to the petitioner which stood expired.

The victim is still missing.

The police claimed that the victim was murdered at the behest of the petitioner. The police claimed that they are in possession of the bones of the victim which was recovered from the well.

It is submitted on behalf of the State that the DNA samples of the bone for DNA report were initially sent to a laboratory in Kolkata. Thereafter on the refusal of the Kolkata to submit a report on the samples, the samples were sent to Bhopal, thereafter to Pune and then to Assam. Presently the samples are with the Kolkata Laboratories. The DNA report is awaited.

As noted above, the petition is pending since 2018.

The police are yet to conclude the investigations till date.

The victim is yet to be recovered.

The investigations are in respect of a murder.

In such circumstances, in view of long pendency of the application for anticipatory bail and in view of the materials in presently available in the case diary that the victim is yet to be recovered, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM 21 of 2018 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

