

CRM(A) No.557 of 2022

Via video conference

08.03.22

(S.R.)

Sl.26

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Labpur** Police Station Case No.153 of 2020 dated 01/12/2020 under Sections 306/34 of the Indian Penal Code;

And

In re: Shyamal Dhibar @ Anta Dhibar

... petitioner.

Mr. Saryati Datta

Mr. Sanjib Kr. Dan

... for the petitioner.

Mr. Tanmoy Kr. Ghosh, Sr. GA

Ms. Sonali Bhar

...for the State.

Mr. Datta, learned advocate appearing for the petitioner submits that the petitioner has been roped in on a purported plea that he was having an illicit relationship with the wife of the victim. One Sarat Indu Mondal @ Sarobindu, whose complicity is almost similar to that of the petitioner, has already been granted anticipatory bail by a Coordinate Bench of this Court. In the said conspectus, custodial interrogation of the petitioner may not be necessary.

Mr. Ghosh, learned advocate appearing for the State, however, opposes the petitioner's prayer and draws our attention to the statements of the witnesses and other documents in the case diary. Answering our query, he submits that investigation is still continuing and there is no suicidal note on record.

Whether the act of the petitioner *per se* would constitute an offence under Section 306 is a matter to be decided at the appropriate stage of the trial, in accordance with law. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner will be released on 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 a further condition that the petitioner shall meet with the investigating officer of the case once in a fortnight till investigation is complete and shall attend the Learned Court below on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.557 of 2022 is, accordingly, disposed of.

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.)