

CRM (A) 616 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Abhijit Ghosh**

..... petitioner

Mr. Prabir Majumder

.....For the petitioner

Mr. Arijit Ganguly
Ms. Sujata Das

.....For the State

Apprehending arrest in connection with Krishnaganj Police Station Case No. 313/2021 dated 24.12.2021 under Section 306 of the Indian Penal Code, the present application has been preferred.

Mr. Majumder, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim. Both are adults. Allegations levelled against the petitioner are unfounded. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Ganguly, learned advocate appearing for the State 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 there is no suicidal note and that investigation is still continuing. Whether the act of the petitioner, *per se*, would constitute

the abetment of suicide, is a matter to be decided at the appropriate stage of the trial. 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 allow this application and direct that in the event of arrest the petitioner, namely, **Abhijit Ghosh** shall 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 a week till investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 616 of 2022, is, thus, 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.)