

CRM(A) No.664 of 2022

Via video conference

08.03.22

(S.R.)

Sl.80

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Ghola** Police Station Case No.110 of 2021 dated 19/02/2021 under Sections 306/34 of the Indian Penal Code;

And

In re: Palash Kumar Chanda

... petitioner.

Mr. Supratick Syamal

Mr. Rajarshi Mitra

... for the petitioner.

Ms. Faria Hossain

Ms. Sonali Das

...for the State.

Mr. Syamal, learned lawyer appearing for the petitioner submitted that investigation is complete for which custodial interrogation is not necessary. The allegation against the present petitioner is frivolous and no overt act is attributable to him. Accordingly, anticipatory bail may be granted on any stringent condition, as submitted by him.

Ms. Das, learned lawyer appearing for the State strongly objected the bail application, as it appears from the statements of the witnesses that strong incriminating elements are there against the present petitioner,.

We have heard rival submissions. Perused the case diary.

There are statements of the witnesses alleging the present petitioner to be one of the responsible person for commitment of suicide by the victim but no overt act is attributable to him or no specific instance is there as to why and how the present petitioner is a instrumental to the alleged commitment of suicide. No other elements are available in the case diary. In the circumstances, we are of the considered opinion that custodial interrogation is not necessary, more

so when investigation is complete and charge sheet has been filed.

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 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.664 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.)