

13.06.2022
Sl. No.113
akd
[ALLOWED]

C. R. M. (A) 2561 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.06.2022 in connection with Nalhati Police Station Case No. 160 of 2022 dated 01.04.2022 under Section 306 of the Indian Penal Code. (G.R. Case No.605 of 2022)

And

In Re: **Amit Mondal**

... .. Petitioner

Mr. Prosenjit Mukherjee
Mr. Arghya Kamal Das
Ms. Tiyaasha Ghosh

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner there is delay in lodging FIR. Ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed in the facts of the case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits husband of co-accused committed suicide as petitioner had an illicit affair with the said accused.

We have considered the materials on record. No suicide note was left behind by the victim. There is delay in lodging FIR. In view of the aforesaid facts, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Amit Mondal**, 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 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 appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)