

C.R.M. (A) 2988 of 2022

24.06.2022
Sl. 18
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gaighata** Police Station Case No. **368** of **2022** dated **23.04.2022** under Sections **306/34** of the Indian Penal Code, 1860 , corresponding to G.R. No.1352 of 2022.

And

In the matter of: **Sujay @ Sujoy Sarkar**

....petitioner.

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani

...for the petitioner.

Mr. Imran Ali
Mr. Debjani Sahu

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that two other co-accuseds were granted anticipatory bail by the Coordinate Bench on June 15, 2022 in CRM (A) 2667 of 2022.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the daughter of the victim recorded under Section 164 of the Code of Criminal Procedure.

The Coordinate Bench considered the materials in the case diary including the statement of the daughter of the victim recorded under Section 164 of the Code of Criminal Procedure while granting anticipatory bail to the two co-accuseds on June 15, 2022 in CRM (A) 2667 of 2022.

The Coordinate Bench observed as follows:

“We have considered the materials on record including statement of daughter of the victim recorded under Section 164 Cr.P.C. No medical papers corroborating the allegation of physical assault of the victim on the previous day is placed on record. Whether the victim consumed poison on her own or upon the inducement of the petitioners requires to be

assessed in the light of the aforesaid facts and circumstances of the case.

Keeping in mind the aforesaid facts and extent of complicity of the petitioners in the alleged crime, we are inclined to grant anticipatory bail to the petitioners.”

In such circumstances, we 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear every day 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 2988 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)