

08.07.2022

24

Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M.(A) 3230 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalna** Police Station Case No. **516** of **2022** dated **19.06.2022** under Sections 448/323/379/302/506/34 of the Indian Penal Code.

And

In Re : Hasem Sekh & Ors.

..... petitioners

Mr. Soumyajit Das Mahapatra

Mr. Dhananjay Banerjee

Ms. Oindrila Ghosh

....for the petitioners

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

Ms. Mousumi Sarkar

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the principal accused was the wife of the deceased was granted anticipatory bail by this Hon'ble Court. He refers such order.

Learned advocate appearing for the State submits that the petitioner stands on the different footing than the co-accused enlarged on anticipatory bail on July 4, 2022 in CRM(A) 3138 of 2022. He submits that, the present petitioners entered into the house of the deceased and assaulted the parents. He refers to the injury report as also to the police complaint.

The injury report of the two injured does not disclose that the injured suffered grievous hurt.

The post mortem report of the deceased does not conclusively establish murder. Rather it suggests suicide.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that petitioner no. 2 (Selima Bibi Sekh) shall cooperate with the Investigating Officer till the conclusion of the investigation and petitioner nos. 1 (Hasem Sekh), 3 (Israful Mallik @ Ishan Mallik), 4 (Sahabat Mallick), 5 (Mafikh Sekh) and 6 (Salim Mondal) shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioners shall appear on every date 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**