

29.07.2022
Serial no.37
Aloke

CRM (A) 3621 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Chanditala Police Station Case No. 253 of 2022 dated 12.06.2022 under Sections 498A/306 of the Indian Penal Code.

-And-

In the matter of : **Esmail Mallick @ Ismail**

... .. Petitioner

Mr. Md. Basha Mir, Advocate

... .. For the Petitioner

Mr. Imran Ali, Advocate

Ms. Mousumi Sarkar, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner committed suicide.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He submits that the petitioner entered into an illicit relationship with one of the close relatives. Thereafter, the victim died.

There is a statement recorded under Section 161 of the Code of Criminal Procedure of the son of the victim. The postmortem report suggest death by suicide.

Considering the materials in the case diary, the gravity of the offence and the involvement of the petitioner therein, we are inclined to 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall meet the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3621 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)