

C.R.M. (A) 3684 of 2022

03.08.2022
Sl.7
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Galsi** Police Station Case No. **391 of 2022** dated **26.06.2022** under Section **306** of the Indian Penal Code, 1860.

And

In the matter of: **Khan Hosenul Gani Siddique @ Babul Khan @ Khan Hosnenul Gani Siddique**

....petitioner.

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
Mr. Shamsheer Ansari

...for the petitioner.

Mr. Avishek Sinha

...for the State.

Mr. Sekhar Barman
Mr. Manoj Kumar Mandal
Ms. Kakoli Dutta

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements recorded under Section 161 of the Code of Criminal Procedure.

Learned Advocate appearing for the de facto complainant questions the veracity of the post-mortem report of the deceased itself.

The post-mortem report of the deceased suggests that the death was by committing suicide.

The statements recorded under Section 161 of the Code of Criminal Procedure largely revolve around hearsay evidence.

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 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.

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

C.R.M. (A) 3684 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)