

27.01.2022

Court No.32
rpan/ 19

C.R.M. 8924 of 2021

[Via video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Bipul Das**

- Petitioner

Ms. Devi Priya Mitra

... for the Petitioner.

Ms. Z. N. Khan,

Md. Kutubuddin

... for the State.

Apprehending arrest in connection with Raiganj Police Station *vide* FIR Case No.1092 of 2021 dated 23.11.2021 under Sections 306/34 of the Indian Penal Code, the petitioner has filed the present application.

Ms. Mitra, learned advocate appearing for the petitioner submits that there was a land dispute between the parties and the petitioner had been falsely implicated on a purported plea that he had earlier issued threats to the victim. No previous complaint to that effect was lodged by the *de facto* complainant against the petitioner. There is no proximate link between the petitioner and the alleged incident. In the said conspectus, custodial interrogation is not necessary.

Ms. Khan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the wife and the son of the victim as well as the post-mortem report.

Heard the learned advocates and considered the materials in the case diary.

Whether the acts of the petitioner would, *per se*, constitute abetment of suicide is an issue to be decided at the appropriate stage in the trial. Considering the nature of accusations, we are of the opinion that custodial interrogation of the petitioner may not be necessary. However, his movement needs to be restricted.

Accordingly, we allow the application and direct that in the event of arrest the petitioner, namely, **Bipul Das** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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, with a further condition that he shall not enter the jurisdiction of Raiganj Police Station, save and except for meeting with the Investigating Officer of the case once a week till the investigation is complete and shall also intimate the address where he would be residing to the Officer-in-charge, Raiganj Police Station immediately.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned

court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8924 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)