

17.11.2022  
Serial no.6  
Aloke

**CRM (A) 5145 of 2022**

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 451 of 2022 dated 09.10.2022 under Sections 376/417/306 of the Indian Penal Code.

-And-

In the matter of : **Nirmal @ Nirmalendu Bera & Anr.**

... .. Petitioners

**with**

**CRM (A) 5296 of 2022**

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 451 of 2022 dated 09.10.2022 under Sections 376/417/306 of the Indian Penal Code.

-And-

In the matter of : **Bikram Bera**

**... .. Petitioner**

Mr. Soumak Bera, Advocate

... .. For the Petitioner

Mr. Joydeep Roy, Advocate

Ms. Sujata Das, Advocate

... ..For the State in CRM (A) 5145 of 2022

Mr. Bidyut Kr. Roy, Advocate

Ms. Rita Datta, Advocate

... ..For the State in CRM (A) 5296 of 2022

Two applications are taken up for analogous consideration as they emanate out of the same police case.

The petitioners in CRM (A) 5145 of 2022 are the parents of the petitioner in CRM (A) 5296 of 2022.

Apparently, there was relationship between the petitioner in CRM (A) 5296 of 2022 and the victim.

The postmortem report of the victim suggests that the victim committed suicide.

There is a statement recorded under Section 164 of the Code of Criminal Procedure of the father of the victim implicating the petitioner in CRM (A) 5296 of 2022.

There are call details record between the victim and such petitioner. There are voice messages available in the case dairy between the two. The police are yet to conclude the investigation.

In such circumstances, we are unable to grant anticipatory bail to the petitioner (Bikram Bera) in CRM (A) 5296 of 2022.

In so far as the petitioners in CRM (A) 5145 of 2022, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners in CRM (A) 5145 of 2022 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 the petitioner no. 1 will report to the Investigating Officer once in a week and petitioner no. 2 will cooperate with the investigation and on further condition 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 petitioners is allowed in CRM (A) 5145 of 2022.

Prayer for anticipatory bail of the petitioner is rejected in CRM (A) 5296 of 2022.

CRM (A) 5145 of 2022 is disposed of.

CRM (A) 5296 of 2022 is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**