

23.11.2022

Sl.29

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5377 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1284 of 2022** dated **26.10.2022** under Section **306** of the Indian Penal Code (corresponding to G.R. Case No.1705/2022).

And

In the matter of: **Arif Masum @ Arif Hossain**

....petitioner.

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Arup Sarkar
Mr. Souvik Das
Mr. Satnam Laskar

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Partha Pratim Das
Ms. Eshita Dutta

...for the State.

Mr. Soupal Chatterjee
Mr. Soumik Dey
Ms. Sucheta Banerjee

... for the de facto complainant.

Petitioner prays for anticipatory bail.

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

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the post-mortem report of the victim.

De facto complainant is represented.

Learned Advocate appearing for the de facto complainant submits that the victim committed suicide upon learning that the petitioner entered into an illicit relationship. Moreover, the petitioner used to circulate obscene photographs of the victim.

On a query of the Court as to basis of which the allegation

of obscene photographs are being made, learned Advocate appearing for the de facto complainant is unable to assist the Court on such issue.

The post-mortem report of the victim suggests that the victim committed suicide.

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 month 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) 5377 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

