

02.12.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5617 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalyani** Police Station Case No. **601** of **2022** dated **20.10.2022** under Sections 306/506/34 of the Indian Penal Code, 1860.

And

In Re : Champak Malakar & Ors.

..... petitioners

Ms. Juin Dutta Chakraborty

....for the petitioners

Mr. Palash Bapari

....for the de-facto complainant

Mr. Zareen N. Khan

Md. Kutubuddin

....for the State

Apparently, the victim committed suicide.

There is a statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) by a neighbour claiming that there were altercations between the petitioner and the deceased.

Materials in the case diary does not suggest that there is any requirement of custodial interrogation of the petitioners.

The de-facto complainant is represented.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of

Rs.10,000/- 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 nos. 1 (Champak Malakar) and 4 (Ashish Ghosh) shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos. 2 (Iti Malakar), 3 (Ayushi Malakar) and 5 (Subhra Ghosh @ Subhra Kundu) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)