

**CRM (A) 5 of 2023**

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 511 of 2022 dated 29.10.2022 under Sections 341/323/379/306/34 of the Indian Penal Code.

-And-

In the matter of : **Khairul Mia @ Miya @ Miah & Anr.**

... .. Petitioners

Mr. Biswajit Manna, Advocate

... .. For the Petitioners

Mr. Saibal Bapuli, Advocate

Mr. Arnab Bhattacharya, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Similarly circumstanced co-accused was enlarged on anticipatory bail by the order dated November 29, 2022 passed in CRM (A) 5530 of 2022.

The statement of eye witnesses recorded under Section 164 of the Code of Criminal Procedure claims that the victim was assaulted.

The postmortem report does not depict any injury arising out of assault. Apparently, the victim committed suicide.

In such circumstances, we are inclined to 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/- (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 condition that the petitioners will report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 5 of 2023 is disposed of.

**(Debangsu Basak, J.)**

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