

05.01.2023
Serial no.14
Aloke

CRM (A) 9 of 2023

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Harischandrapur Police Station Case No. 1099 of 2022 dated 02.12.2022 under Sections 306/506/109 of the Indian Penal Code.

-And-

In the matter of : **Manoj Kumar Saha & Anr.**

... .. Petitioners

Ms. Sujata Das, Advocate

Mr. Arnab Chatterjee, Advocate

Ms. D. Biswas, Advocate

... .. For the Petitioners

Mr. Narayan Prasad Agarwala, Advocate

Mr. Mirza Firoj Ahmed Begg, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Apparently, the victim committed suicide. There is a statement recorded by the mother of the victim under Section 164 of the Code of Criminal Procedure, claiming that, petitioner no. 2 ran away with another boy. There was a relationship between the victim and the boy with whom the petitioner no. 2 ran away. The victim could not accept such fact.

In view of the statement recorded under Section 164 of the Code of Criminal Procedure of the mother of the victim and the materials in the case diary, 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 petitioner no. 1 will report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 2 will cooperate with the investigation 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) 9 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)