

6 10.01.2023
(AD) Court No.29
(Allowed)

C.R.M. (A) 55 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** P.S. Case No.**1113 of 2022** dated **09/12/2022** under Sections **306/34** of the Indian Penal Code (G.R. No.3347 of 2022).

And

In the matter of: **Md. Niyajuddin @ Niyajuddin & Anr.**

....petitioners.

Ms. Minoti Gomes
Mr. Musharraf Alam Sk.
Ms. Susmita Ghorai

...for the petitioners.

Ms. Sreyashee Biswas

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the nephew of the petitioners committed suicide.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the investigations are in progress. The dead body was buried hurriedly without informing the police. The police are yet to commence the investigation for murder.

The post-mortem report of the victim is not conclusive as to whether, the victim committed suicide or murder.

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/- (Rupees Ten Thousand Only) each, with two sureties of like amount each to the satisfaction of the Arresting Officer

and also 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 before the Investigating Officer once a week till the conclusion of the investigation and petitioner no. 2 will cooperate with the investigation 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 55 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)