

09.01.2023
Serial no. 29
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 63 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Madhyamgram** Police Station Case No. **431** dated **08.09.2022** under Sections **306** of the Indian Penal Code corresponding to G.R. No. 3320 of 2022.

-And-

In the matter of : **Malay Aich**

... .. Petitioner

Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar, Advocates
... .. *For the Petitioner*

Mr. Bidyut Kr. Roy,
Ms. Rita Datta, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the postmortem report of the victim and a statement of a neighbour recorded under Section 161 of the Criminal Procedure Code.

There is a claim on behalf of the petitioner that the victim was married to another person. It is contended on behalf of the State that the petitioner was also married to another person.

Apparently, the petitioner and the victim were living together.

Both are adults. Postmortem report of the victim suggests that the victim committed suicide.

In such circumstances, we are inclined to 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 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 shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 63 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)