

11.01.2023

Sl.33

Court No.29

(AD)

(Allowed)

C.R.M. (A) 124 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangajalghati** Police Station Case No. **135 of 2022** dated **22.09.2022** under Sections **306 and 34** of the Indian Penal Code.

And

In the matter of: **Budhan Gorai alias Rahul Gorai & Ors.**

....petitioners.

Mr. Abhinaba Dan

...for the petitioners.

Mr. Avishek Sinha

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the victim committed suicide. The petitioners were falsely implicated.

Learned Advocate appearing for the State submits that the petitioners assaulted the victim prior the victim committing suicide.

There was a gap of sometime between the assault and the commission of suicide.

In response to a query of the Court as to whether the case diary presently contains any documents relating to the previous assault spoken of, the learned Advocate for the State answers in the negative.

In such circumstances, considering the gravity of the offence and their involvement therein, 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 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 a week 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 124 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)