

01.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 417 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Joypur** Police Station Case No. **03** of **2023** dated **02.01.2023** under Section 306 of the Indian Penal Code.

And

In Re : Israful Mallick

..... petitioner

Mr. Siddhartha Sarkar

....for the petitioner

Mr. Pravas Bhattacharya

Mr. Pratick Bose

....for the State

The post mortem report states that the death was due to the effect of hanging as noted therein.

One of the injuries noted in the post mortem report is a non-continuous oblique ligature mark. At this stage, the materials in the case diary suggest that the victim committed suicide.

Apparently, the petitioner demanded the refund of the loan granted by the petitioner to the victim.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner therein, we 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/-, 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 meet the Investigating Officer as and when called for till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)