

26.04.2023

17

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1776 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Canning** Police Station Case No. **58** of **2023** dated **03.02.2023** under Section 306 of the Indian Penal Code, 1860 and adding Sections 376(2)(m)/120B of the Indian Penal Code, 1860.

And

In Re : Mrityunjoy Naskar @ Mritunjay Naskar

..... petitioner

Mr. Rajdeep Majumdar

Mr. Moyukh Mukherjee

Mr. Pritam Roy

Mr. Abhijit Singh

Mr. Sahidur Rahaman

Mr. Sarthak Mondal

....for the petitioner

Mr. Arijit Ganguly

Mr. Kaushik Kundu

....for the State

The post mortem report of the victim suggests that, the victim committed suicide.

There is a suicide note left behind by the deceased, which implicates another person.

There is a statement recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.) tending to implicate the petitioner. However, on query of the Court, learned advocate for the State is unable to draw the attention of the Court to any materials to corroborate such suggestion made in the 161 Cr.P.C. statement as against the petitioner.

Consequently, 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 once a fortnight 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 petitioners 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.)

(Rai Chattopadhyay, J.)