

20.07.2023
SL. 12
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2403 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sabang** Police Station Case No. **382** of **2022** dated **24.10.2022** under Sections **417/376/306/34** IPC.

And

In the matter of: **Ananta Bangal**

....petitioner.

Mr. Pravas Bhattacharya

...for the petitioner.

Mr. Imran Ali

Ms. Monisha Sharma

...for the State.

1. Heard learned Counsel for the parties.
2. The deceased and the petitioner were in a relationship. They were mixing freely. On one occasion, they both went to another place and stayed in a hotel where the petitioner put vermilion on her head and they immersed in physical relationship. After some days of such relationship, the petitioner is alleged to have started keeping distance with the deceased and he did not pick up her call. Being depressed mentally, the deceased is alleged to have committed suicide.
3. Learned Counsel for the petitioner on the other hand submits that the petitioner is a daily labourer and he went outside in search of avocation to provide a good married life to the deceased and in his business he might not have been able to pick up the call but he did not try to distance him from the deceased.
4. Be that as it may, we do not find any element of Section 107 IPC at least *prima facie* in the entire allegation as borne out

from record including the materials written by the deceased in her diary, seized during investigation.

5. The investigation is stated to have progressed substantially.
6. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that i) the petitioner is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.; ii) the petitioner shall not leave the jurisdiction of the P.S. without obtaining prior permission from the I.O.
7. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 2403 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

