

18.07.2023
(M/L 131)
Ct. No.29
Allowed
(SKB)

CRM (A) 2529 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No.699 of 2023 dated 29.05.2023 under Sections 306/34 of the Indian Penal Code.

In the matter of : Saheb Ghosh @ Subhajit Ghosh
... Petitioner

Mr. Tapodip Gupta
... for the petitioner

Mr. Imran Ali,
Ms. Sutapa Banerjee
... for the State

1. Heard the learned Counsel for the parties.
2. The investigation is stated to have progressed substantially. Though there is excessive exaggeration in the FIR lodged by the father-in-law of the deceased and there is also allegation against the present petitioner in his statement recorded under Section 161 Cr.P.C., it is found from the statement of the friends of the deceased recorded under Section 161 Cr.P.C. that the deceased had love affairs with one Santu Saha; there was break up; the deceased established relationship with aforesaid Santu Saha again; Santu Saha threatened the deceased and relationship between aforesaid Santu Saha and the present petitioner became strained. The deceased could not bear such a situation and committed suicide. We do

not find any element of Section 107 IPC in the entire episode at least prima facie.

3. Regard being had to such facts and submissions, 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 by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
4. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 2529 of 2023 is disposed of.
7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)