

20.07.2023
SL. 35
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2602 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **495** of **2023** dated **19.04.2023** under Sections **306/34** IPC.

And

In the matter of: **Habal Mondal @ Habol Mondal & Ors.**

....petitioners.

Mr. Somnath Adhikary

...for the petitioners.

Mr. Debabrata Chatterjee, Ld. APP
Mr. Santanu Chatterjee

... for the State.

Mr. Biswajit Sarkar

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The petitioners are stated to be the parents and grand farther respectively of a 17 years old boy who fell in love with the deceased who is stated to be 19 years old at the time of occurrence.
3. Considered the materials placed by them including the statement of the witnesses recorded under Section 161 Cr.P.C.
4. We do not find any element in such statements constituting ingredients of Section 107 IPC.
5. Charge-sheet is stated to have been filed in the meantime.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and completion of investigation, it is directed that each of the petitioner shall surrender before the

learned Chief Judicial Magistrate, Berhampore, Murshidabad, in G.R. Case arising out of the aforesaid P.S. case within 15 days from today. On their appearance and application for bail they shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2602 of 2023** is disposed of.
9. Learned Chief Judicial Magistrate, Berhampore, Murshidabad is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

