

20.07.2023
SL. 42
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2611 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jagaddal** Police Station Case No. **233 of 2023** dated **10.06.2023** under Sections **306/34** of the IPC.

And

In the matter of: **Subrata Kumar Bose & Ors.**

....petitioners.

Mr. Shibaji Kumar Das

...for the petitioners.

Mr. B. K. Roy

Ms. Sima Biswas

...for the State.

1. Heard learned Counsel for both the parties.
2. The petitioner No. 2 is the wife of the petitioner No. 1 and petitioner No. 3 is the son of petitioner Nos. 1 and 2. Brother of petitioner No. 2 is committed suicide. From the statement of the witnesses we, *prima facie* find some element of touching Section 107 IPC but it is better to be left the wisdom of the Trial Court to decide regarding probative effect of such element. Admittedly there was property dispute between the parties after death of the mother of petitioner No. 2
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their 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 including the condition that i) the petitioner No. 1, Subrata Kumar Bose and petitioner No. 3, Shubham Bose @ Subham Bose are 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 Final Form; ii) the petitioner No. 2, Namrata Bose is directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset till submission of Final Form.

4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2611 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

