

17.07.2023
SL. 10
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2627 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Tamluk** Police Station Case No. **648 of 2023** dated **14.06.2023** under Sections **420/406/602/201/120B** of the IPC.

And

In the matter of: **Dr. Balai Chandra Hazra @ Balai Ch. Hazra & Ors.**

....petitioners.

Mr. Milon Mukherjee, Sr. Adv.
Mr. A. K. Samanta
Mr. Debaprasad Samanta

...for the petitioners.

Mr. Ranadeb Sengupta

...for the State.

Mr. Manjit Singh
Mr. Sourav Chatterjee
Mr. Pawan Kumar Gupta
Mr. Soumya Nag

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. Though there are Advocates for the informant, we did not allow him to argue because he has right to assist the learned Public Prosecutor only and we find ample assistance on the submission of learned Counsel for the State.
3. From the page No. 49 of the C.D. it appears that the death certificate in respect of the deceased has been issued which has been counter signed by Shachipriya Maity, the informant. The cause of death in the certificate is stated to be hypoglycemia with hypothermia in a case of type-II diabetes mellitus. Six months after the death of the husband of the informant a case of murder has been registered joining some dead ends of some facts which itself creates doubt in our mind as there are many 'ifs' and 'buts' in the entire prosecution case so far as the offence of murder is concerned. We do not want to embark upon detail documentation of the

materials on record to prevent prejudice to both the prosecution and the defence but we do not find any justification for custodial interrogations of the petitioners in the present case. All the petitioners are stated to be partners along with husband of the informant. On death of the husband of the informant the present case has been registered under Sections 406/420/302/201/120B IPC. We do not find how a partnership case can be turned into a murder case after so many months of the occurrence by which all the substantive evidence might have been erased or effaced. The investigation is stated to have progressed substantially.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of evidence and substantial progress in the investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case in the aforesaid P.S. case including the conditions that i) each of the male petitioner shall appear before the I.O. once in a fortnight on the day and time fixed by the I.O. till submission of F.F.; ii) each of the female petitioner are directed to appear before the I.O. for the purpose of investigation as and when required between sunrise to sunset; iii) each of the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order. This order shall be without

prejudice to the right of the petitioners to pursue civil actions.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. 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) 2627 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

