

06.07.2023
(D/L 32)
Ct. No.28
Partly allowed
(SKB)

CRM (A) 2738 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No.413 of 2023 dated 25.05.2023 under Sections 341/326/379 of the Indian Penal Code.

In the matter of : Milton Baidya @ Milton

... Petitioner

Mr. Sumanta Das

... for the petitioner

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose

... for the State

Petitioner submits that the defacto complainant had cohabited with his minor sister on the false promise of marriage. Subsequently he refused to marry. As a result, she committed suicide. FIR came to be registered against the defacto complainant. In retaliation, the petitioner has been falsely implicated in the case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Criminal case was registered against the defacto complainant alleging abetment of suicide of the sister of the petitioner.

In this backdrop possibility of false implication of the petitioner in the present case cannot be ruled out. Keeping in mind the aforesaid circumstances, we are of the opinion that the petitioner may be granted anticipatory bail.

Accordingly, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, petitioner be released on bail upon furnishing a bond of Rs.10,000/-(Rupees ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)