

21.08.2023
SL. 11
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 2744 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Balurghat** Police Station Case No. **381 of 2023** dated **13.05.2023** under Section **305** of the IPC.

And

In the matter of: **Shiben Bhuimali & Ors.**

....petitioners.

Mr. Kaushik Chaudhury
Ms. Busra Khatoon
Mr. Gourhari Das

...for the petitioners.

Mr. Sudip Ghosh
Mr. Koushik Kundu

...for the State.

1. Heard learned Counsel for both the parties.
2. The report submitted by learned Counsel for the State be taken on record.
3. From the materials placed before us it is found that the deceased and his family members were being persistently terrorised and threatened by the present petitioners for withdrawal of an earlier case.
4. To get clear picture about the matter we had called for a report from the S.I. of Police, Balurghat P.S., Dakshin Dinajpur. From that report it is found that Tapan P.S. case No. 267 of 2021 under Sections 448/323/324/325/354/379/506/34 IPC was filed against the present petitioners at the instance of the family of the victim in which charge-sheet has already been filed. For withdrawal of the said case the petitioners were putting pressure on the deceased and his family members. The deceased being a boy of tender age could not withstand the

pressure and committed suicide as alleged.

5. We find a contemporaneous and proximate link between the commission of suicide by the deceased and the action of the petitioners.
6. In view of such fact, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioners.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2744 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

