

07.08.2023
(D/L 42)
Ct. No.29
Allowed
(SKB)

CRM (A) 2793 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kumarganj P.S. Case No.129 of 2023 dated 11.05.2023 under Sections 305/34 of the Indian Penal Code.

In the matter of : Sukamal Pramanik and another
... petitioners

Mr. Kaushik Chaudhury,
Ms. Busra Khatun,
... for the petitioners

Mr. Pravash Bhattacharya,
Mr. Mirza Firoj Ahmed Begg
... for the State

1. Heard the learned Counsel for the parties.
2. The present petitioners are stated to be the brother and mother of the principal accused with whom the deceased had relationship. It is also alleged that the present petitioners objected to such relationship and asked the deceased to take poison and die.
3. Though there is such evidence, there is nothing on record to show that how the witnesses came to know about such utterances by the petitioners. That being a question of fact should be best left to the wisdom of the learned trial court.
4. 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 conditions:

- i) The petitioner no.1 is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioner no.2 being a lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
 - iii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
 6. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
 7. The application being CRM(A) 2793 of 2023 is disposed of.
 8. The Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)