

08.08.2023
ML. 115
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2886 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Dhantala** Police Station Case No. **310 of 2023** dated **24.04.2023** under Sections **306/34** of the IPC.

And

In the matter of: **Prabir Roy & Ors.**

....petitioners.

Ms. Sananda Bhattacharyya

...for the petitioners.

Mr. S. S. Imam

Mr. S. Kundu

...for the State.

1. Heard learned Counsel for both the parties.
2. The deceased is a major spinster with whom petitioner No. 1 is alleged to have established relationship. Petitioner No. 3 is the wife of petitioner No. 1 and the petitioner No. 2 is the father of petitioner No. 1.
3. Consideration of the statements of the witnesses recorded under Section 161 Cr.P.C. shows that all the petitioners had rebuked and insulted the deceased for the alleged relationship between her and petitioner No. 1. Thereafter the deceased is alleged to have committed suicide. From the materials on record though some elements relevant under Section 107 IPC is found at fringe, sufficiency of the same should be left to be decided by the 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 that:

- i) The petitioner No. 1, Prabir Roy and petitioner No. 2, Mahadeb Roy 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 F.F.
 - ii) The petitioner No. 3, Banashree Biswas @ Oli is directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset.
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.
 7. Accordingly, the prayer for the anticipatory bail is allowed.
 8. The application being **CRM (A) 2886 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

