

09.08.2023
ML. 162
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2943 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **286** of **2023** dated **18.03.2023** under Sections **306/34** IPC.

And

In the matter of: **Budhiswar Sarkar @ Mono @ Mono Sarkar**
....petitioner.

Ms. Minoti Gomes
Ms. Chandrima Debnath

...for the petitioners.

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner claimed that he is the friend of the deceased.
Mother of the deceased is the informant.
3. It is alleged that the present petitioner was actually the friend of the wife of the deceased and she had some affairs with him.
The materials placed before us, however, do not satisfy the elements of Section 107 IPC. It is, therefore, best to be left to the wisdom of learned Trial Court to join the dots.
4. Investigation is stated to have progressed substantially.
5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. The petitioner is directed to appear before the I.O. within 21

days from today along with a server copy or certified copy of this order.

7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2943 of 2023** is disposed of.
9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

