

24.08.2023

SL. 12

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2964 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tapan** Police Station Case No. **295** of **2023** dated **17.05.2023** under Sections **306/34** IPC (corresponding to G.R. Case No. 962 of 2023).

And

In the matter of: **Mahabur Alam Sarkar**

....petitioner.

Mr. Ashok Das

Mr. Mazhar Hossain Chowdhury

...for the petitioner.

Mr. Joydeep Roy

Ms. Sujata Das

...for the State.

1. Heard learned Counsel for the parties.
2. In a case of love triangle, the present petitioner and the deceased had the liking for one Habiba Khatun. Love affairs developed between Habiba Khatun and the deceased leaving the petitioner as a unrequited lover. In order to take revenge, the present petitioner is alleged to have informed the deceased over telephone on 15.05.2023 that Habiba Khatun has committed suicide by taking poison. Hearing such news, the deceased is alleged to have committed suicide without verifying about the veracity of the call received from the present petitioner.
3. Learned Counsel for the State placed before us the CDR, from where it is found that on 14.05.2023 and 15.05.2023 there was talk of about 105 minutes between the present petitioner and the deceased. Admittedly, the text of the conversation is not before us and it is also an admitted fact that both the petitioner and deceased were also friends.

4. From the materials on record, we do not find *prima facie* any element of 107 IPC at present, especially in view of the love triangle among three persons.
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 including the conditions that:
 - i) the petitioner is 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.
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) 2964 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.)

