

CRM(A) 3071 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Habibpur Police Station** Case No. **195 of 2023** dated **08.06.2023** under Sections **302/34** of the Indian Penal Code.

- A n d -

In the matter of : Nabin Daga

.... Petitioner.

Mr. Kallol Mondal
Mr. M. alam sk.
Mr. Krisham Ray
Mr. Souvik Das
Mr. A. Banerjee

... For the Petitioners.

Mr. Abhra Mukherjee
Mr. Gautam Banerjee

.....for the State

1. Heard learned counsel for both the parties.
2. Considered the materials placed before us including the statement of brother of the deceased and other witnesses recorded under Section 161 Cr.P.C. and post-mortem report in respect of the deceased. From the post-mortem report, it is not possible to give a prima facie opinion as to whether the death of the deceased was suicidal or homicidal. Therefore it is better to leave such question to the wisdom of learned Trial Court.

3. Admittedly, the case is based on circumstantial evidence but one circumstance that is placed before us is not sufficient to unerringly point out at the guilt of the petitioner at least prima facie.
4. Regard begin had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of evidence, substantial progress in investigation, the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case no such terms and conditions as deemed just and proper in the facts and circumstances of the case including the fact that:
 - i) The petitioner is directed to appeal 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 shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

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.
5. Accordingly, prayer for anticipatory bail of petitioner is allowed.
6. The application being CRM(A) 3071 of 2023 is disposed of.

7. 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.)