

25.09.2023
SL. 15
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3795 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nalhati** Police Station Case No. **247 of 2023** dated **26.07.2023** under Section **306** of the IPC.

And

In the matter of: **Md Soriful Azim @ Sarif**

....petitioner.

Mr. Kusal Kumar Mukherjee
Mr. Narattam Acharya

...for the petitioner.

Mr. Tanmoy Kr. Ghosh
Mr. Asraf Mondal

...for the State.

Mr. Partha Pratim Das
Ms. Eshita Dutta

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. At the outset a preliminary objection is raised by learned Counsel for the State that proclamation has already been issued against the petitioner on 30th August, 2023. The present anticipatory bail application has been filed on 24th August, 2023 before issuance of proclamation.
3. In our judgment passed in the case of Md. Salauddin Siddiqui & Anr. vs. N.I.A. (CRA (DB) 211 of 2023) disposed of on 01.08.2023 we have already held that if the petition for anticipatory bail has been filed prior to issuance of proclamation, such proclamation shall not affect consideration of the prayer of anticipatory bail.
4. From the materials on record placed before us it is found that there is consistent relationship between the victim who has committed suicide and the present petitioner. The present petitioner, however, declined to marry the victim and there was a breakup. The victim is alleged to have committed

suicide thereafter but she remained alive for about 11 days after her attempt to commit suicide.

5. From the materials on record and the genesis of the events, we do not find any element of Section 107 IPC in the present case.
6. Regard being had to such facts and submissions, 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 by the Arresting Officer in the event of his 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.
7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
8. Within 21 days from today 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.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The application being **CRM (A) 3795 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

