

04.10.2023
SL. 50
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4046 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Panskura** Police Station Case No. **481** dated **28.06.2023** under Sections **306/34** of the IPC.

And

In the matter of: **Sk. Mustakin Ali**

....petitioner.

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee

...for the petitioner.

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

...for the State.

1. Heard learned Counsel for both the parties.
2. Admittedly there was love affairs between the present petitioner and the deceased. The deceased was given in marriage elsewhere by her family members and the marriage was registered on 21.05.2023 before the Registrar of Muslim Marriage. The copy of such registration is at Annexure C of this petition. It is, however, alleged that as the present petitioner declined to marry the victim she committed suicide.
3. In view of Annexure C to the present petition, we do not find any substance in the allegation made against the petitioner at least *prima facie* and there is also no proximate relationship between the action of the petitioner and commission of suicide by the deceased at least *prima facie*.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. 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.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM (A) 4046 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

