

22.11.2023
SL. 50
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 4469 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakdah** Police Station Case No. **403** of **2023** dated **19.06.2023** under Sections **302/120B** IPC.

And

In the matter of: **Koushik Gain @ Koushik Biswas & Anr.**
....petitioners.

Mr. Shibaji Kumar Das
...for the petitioners.

Mr. Gautam Banerjee
Mr. Abhra Mukherjee
...for the State.

1. Heard learned Counsel for the parties.
2. Though this is a murder case, the case is entirely based on circumstantial evidence and the single circumstance pressed in service by the prosecution at this stage is that the widow of the deceased saw the deceased leaving the house at 4.00 P.M. along with petitioner no. 1 (Koushik Gain @ Koushik Biswas).
3. It is further found from the statement of the widow of the deceased that petitioner no. 1 at about 12.00 A.M. in the night came and reported about missing of her husband. The dead body was found on the next day hanging from the tree of a field. The post mortem report is indicative of a ligature mark placed obliquely around the neck of the deceased without any other injury on the dead body.
4. No definite opinion has been given by the medical officer. The contour and nature of the ligature mark is indicative of suicidal hanging *prima facie*.
5. Regard being had to the facts and submission, factum of

permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that both the petitioners shall be released on bail in the event of their 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 petitioners are directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
 - ii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
6. Within 21 days from today, petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
 7. Accordingly, the prayer for anticipatory bail is allowed.
 8. The application being **CRM (A) 4469 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.)

