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27-12-2023
(ct. no.08)
KOLE/PB
Allowed

CRM (A) 5728 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Serampore Police Station** Case No. **323 of 2023** dated **24.07.2023** under Sections **306/34** of the Indian Penal Code.

- A n d -

In the matter of : Sunil Shaw

.... Petitioner.

Mr. Koustav Bagchi,
Ms. Priti Kar,
Mr. Debayan Ghosh,

... For the Petitioner.

Mr. Swapan Banerjee,
Mr. G. Wilson,

... For the State.

The learned Counsel for the petitioner has submitted that the deceased and the mother of the defacto complainant were husband and wife. There used to be frequent domestic quarrels. At such times, his mother used to visit her paternal house where her brothers resided. The maternal uncles used to rebuke and abuse his father and also threaten him with dire consequences.

On the fateful day, when his mother went to her paternal house after a quarrel with the deceased, the maternal uncles threatened the petitioner's father and abused him over telephone in filthy language. On receiving such threat and intimidation, his father committed suicide. There are sufficient materials from which it transpires that the marriage had taken place 25 years ago and the investigation is complete. There is no need for custodial interrogation of the petitioner. The two other accused persons have already been granted bail.

Learned Counsel for the State has raised strong objection. According to him, there are sufficient materials in the case diary from which it transpires that there are incriminating materials, including the statement of the defacto complainant recorded under Section 161 of the Code of Criminal Procedure, pointing towards the involvement of the petitioner in the incident. He prays for rejection of the prayer for anticipatory bail.

Perused the case diary and considered. It appears that investigation is complete and charge sheet has already been submitted. There is no need for custodial interrogation of the present petitioner, and as such, we are inclined to allow the prayer for anticipatory bail on the following condition.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of Rs.5000/- each, one of whom must be local, subject to the satisfaction of the arresting officer of the concerned police station. The petitioner shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders. The petitioner shall report to the Investigating Officer once every week.

The application of anticipatory bail being CRM (A) 5728 of 2023 is, thus, allowed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Apurba Sinha Ray, J.)

(Shampa Sarkar, J.)