

12.06.2023  
SL No.16  
Court No.1  
Sb/Saswata  
(Allowed)

***Circuit Bench of Calcutta High Court  
At Jalpaiguri***

**CRM (A) 357 of 2023**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No. 237 of 2023, dated 02.04.2023 under Sections 306/34 of the Indian Penal Code, 1860.

And

In the matter of : **Dibyendu Biswas @ Biswajit Biswa @ Dalu**  
- Petitioner.

Mr. Sandip Dutta  
Mr. Tapabrata Ghosh

... For the Petitioner.

Mr. Kallol Mondal  
Mr. Krishan Ray  
Mr. Arijit Ghosh  
Mr. Ananta Deb Adhikary  
Mr. Asish Roy  
Mr. Gobinda Ghosh

...For the de facto complainant

Mr. Aditi Shankar Chakraborty, Ld. APP  
Mr. Sourav Ganguly

... For the State.

1. Mr. Sandip Dutta, learned Counsel for the petitioner submits that the petitioner is neither named in the FIR nor in the suicide note and he apprehends arrest as because his wife has been named in the FIR as also the suicide note and is presently in custody.
2. Learned Additional Public Prosecutor in opposing the prayer for anticipatory bail submits that the daughter of the deceased in her statement recorded under Section 164 of the Cr.P.C. has referred to the petitioner.

3. Learned Counsel for the *de facto* complainant, in opposing the prayer for anticipatory bail submits that in view of such statement of the daughter of the deceased and few other witnesses recorded under Section 164 of the Cr.P.C. implicating the petitioner, the prayer for anticipatory bail may be rejected.
4. Considering the materials available in the case diary, the nature of involvement of the petitioner in commission of the alleged offence and the fact that the petitioner was not named in the suicide note and that the wife of the petitioner is already in custody, we are of the view that custodial interrogation of the petitioner is not necessary. Accordingly, we **allow** the prayer for anticipatory bail of the petitioner on the following conditions:
  - i. In the event of arrest, the accused/petitioner, namely, **Dibyendu Biswas @ Biswajit Biswas @ Dalu**, be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only), with two sureties of like amount each, one whom must be local to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.
  - ii. The petitioner shall meet the Investigating Officer once in a week till filing of the charge sheet.
  - iii. The petitioner shall not enter the jurisdiction of the Kotwali Police Station except for the purpose

of meeting the Investigating Officer and for the purpose of attending office.

- iv. The petitioner shall inform the Investigating Officer as well as the Officer-in-Charge of the Police Station about his place of residence during bail. Any change in the same shall also be communicated within 48 hours thereafter. Petitioner shall furnish details of his Aadhaar Card, Telephone Number, E-mail, PAN Card, bank Account Number, if any
- v. The petitioner shall immediately deposit his passport, if he possesses one, with the Investigating Officer.
- vi. The petitioner shall cooperate with the investigation.
- vii. The petitioner shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.

5. The application for anticipatory bail is, thus, disposed of.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Raja Basu Chowdhury, J.)**

**(Soumen Sen, J.)**