

04.07.2023
Item no.53.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 484 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No.100 of 2023 Dated 28.03.2023 under Sections 306 of the Indian Penal Code.

And

In the matter of: Jayanta Ray.

.....Petitioner.

Mr. Sourav Ganguly,
Mr. Bibek Tarafder,
Mr. Gopal Roy,for the Petitioner.

Mr. Kallol Acharjee,
Mr. Arjun Chowdhury,for the State.

Heard learned advocate for the petitioner and learned advocate for the State at length.

It is submitted on behalf of the petitioner that though it is an admitted position that there was love affair between the victim and the present accused petitioner but the present accused petitioner has got no role in the alleged suicide of the deceased.

While opposing the prayer for anticipatory bail, learned advocate for the State draws attention of this Court to the statements of the witnesses recorded under Sections 161 as well as 164 of the Code of Criminal Procedure. It is contended by

him that considering the incriminating material as available in such statements and also considering the early stage of investigation, the prayer for anticipatory bail may be rejected.

We have heard the submission of the learned advocates for the contesting parties. We have also gone through the entire materials of the Case Diary. Admittedly, there was a love relationship between the petitioner and the deceased. It is also admitted that the victim committed suicide. It further appears that admittedly there are some incriminating materials as against the present petitioner to robe him with the rigor of Section 107 of the Indian Penal Code. But considering the fact that in such type of case, chance of exaggeration cannot be ruled out, we are inclined to exercise our discretion in favour of the present accused petitioner with some stringent condition.

Accordingly, in the event of arrest, the petitioner, namely, **Jayanta Ray** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner shall report to the Investigating Officer of the concerned police station once in a week and/or as and when called for till submission of Final Form.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned

Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 484 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)