

11.07.2023
Item no.22
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) No. 380 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Falakata Police Station Case No.26 of 2023 Dated 23.01.2023 under Section 305/34 of the Indian Penal Code

And

In the matter of : Anarul Hossain Petitioner.

Mr. Sudip Guha for the Petitioner.

Mr. Kallol Acharjee,
Mr. Sagnik Sankar Sikdarfor the State.

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

We have also perused the written complaint as well as the statements of the witnesses recorded under Sections 161/164 Cr.P.C. We have also considered the other material as available in the case diary including the suicide note of the victim. It appears that investigation has progressed substantially. Prima facie, it also appears that the allegation as made out in the first information report does not get full support from the material collected so far.

Considering the entire circumstances, we are inclined to exercise our discretion in favour of the present petitioner.

Accordingly, we direct that the petitioner, namely Anarul Hossain shall be released on bail upon furnishing a bond

of Rs.5,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Alipurduar and on further condition that the present accused petitioner shall meet the Investigating Officer of this case once in a week till submission in Final Form and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)