

29.09.2023.

Item No. 36

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 828 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 15.09.2023 in connection with Falakata Police Station Case No. 421 of 2023 dated 24.08.2023 under Sections 306/34 of the Indian Penal Code.

And

In the matter of: **Ramjan Ali & Ors.** ...petitioners

Mr. Arijit Ghosh. ...For the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag.For the State

1. The application for anticipatory bail is filed on the principal ground that the complaint has been registered 21 days after the incident.
2. It is the case of the prosecution that the victim husband committed suicide by consuming poison in his own house. Prior thereto, the victim had visited his in-law's house to meet his wife, who had aborted a child.
3. It is submitted that the victim is stated to have been abused, insulted and beaten up by the accused persons. It is further submitted that unable to bear the insult and torture, the victim came back to his house and committed suicide.
4. Office of the Public Prosecutor vehemently opposes the prayer for anticipatory bail.

5. In the backdrop of the facts revealed hereinabove from the case diary and considering the statements of the victim recorded under Section 164 of the Code of Criminal Procedure, the petitioner is entitled to anticipatory bail.

6. It is directed that in the event of arrest, the petitioners shall be released on bail to the satisfaction of the arresting officer upon furnishing Bond of Rs.10,000/- each with two sureties of Rs.5,000/- each, one of whom must be local, subject to the condition that the petitioners shall co-operate with the investigation as and when called for until further order of this Court.

7. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

8. The Case Diary be returned.

9. C.R.M. (A) No. 828 of 2023 is allowed and disposed of.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)