

10.01.2024
Item No.32
Ct. No. 29
CHC
Rejected

C.R.M.(A) 31 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baguiati** Police Station Case No. **806** of **2023** dated **27.11.2023** under Sections **302/120B/34** of the Indian Penal Code.

And

In the matter of : Biswajit Das & ors.

..... petitioners

Mr. Devojoyoti Barman,
Mr. Anit Dey,
Ms. S. Basu

....for the petitioners

Mr. Saibal Bapuli, Ld. A.P.P,
Mr. Goutam Wilson

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners are engineering students. Batchmate made suicide. Petitioners were falsely implicated.

Petitioners are cooperating with the investigation.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

Police complaint was lodged one and half months after the death alleging the murder. Complaint was lodged by the mother of the victim.

Post Mortem Report of the victim states that the death was due to the effect of hanging, antemortem in nature. The doctor conducting the Post Portem did not find any external

injury apart from one light brownish depress noncontiguous ligature high up on the neck.

We perused the photograph of the place of occurrence as also the rough sketch map of the place of occurrence prepared by the Investigating Officer. We find that height of the room is 9 feet approximately. There is a cot which was in the room just beneath ceiling fan. It was claimed that, the body was removed by two of the petitioners before us before the arrival of the police. Such persons claimed that, they found the victim hanging from the ceiling fan. The height between the cot, the ceiling fan the material used during the hanging as also the height of the victim, suggest requirement of investigation.

Enlarging any of the petitioners on anticipatory bail will be inimical to such investigation.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 31 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)