

03.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1097 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nandakumar Police Station Case No. 76 of 2024 dated 27.02.2024 under Section 302 of the Indian Penal Code pending before the learned Chief Judicial Magistrate at Tamluk, Purba Medinipur.

And

In Re : Kanu Maji @ Kanu Prasad Maji & Anr. petitioners

Md. Abdur Rakib
Mr. Arijit Pradhan

.....for the petitioners

Mr. Jaydeep Roy, Jr. Govt. Adv.,
Ms. Debolina Das

....for the State

1. Petitioner contends the victim had committed suicide. FIR was registered one year after the incident alleging murder. Petitioners are no way connected with the unnatural death of the victim. Accordingly, they pray for anticipatory bail.
2. Learned Lawyer for the State submits petitioner no. 2 and the victim had an illicit relationship. Petitioner no. 1 is an associate of petitioner no. 2. In collusion with one other, they took objectionable pictures of the victim and blackmailed him. As a result, he committed suicide.
3. We have considered the materials on record. Although FIR is registered under Section 302 IPC, materials on record give an impression the victim had committed suicide. There is no clear material apart from the *ipse*

dixit of the defacto-complainant that the victim was instigated to commit suicide due to blackmail by the petitioners. Victim had not left behind any suicide note. There is inordinate delay in lodging FIR.

4. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary, but they require to cooperate with investigation in accordance with law.
5. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that petitioner no. 1 shall meet the Investigating Officer once in a week until further orders. They shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)