

24.04.2024
Item No.31
Ct. No. 29
CHC
Rejected

C.R.M.(A) 1441 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Eco Park** Police Station Case No. **19** of **2024** dated **21.01.2024** under Sections **417/376/302/120B** of the Indian Penal Code, 1860.

And

In the matter of : Dr. Kaustav Saha
..... petitioner

Mr. Sandipan Ganguly, Ld. Sr. Advocate
Mr. Sourav Kumar Mukherjee,
Mr. Niladri Shekhar Ghosh,
Ms. Sahana Pal,
Ms. Sompurna Chatterjee,
Mr. Souhardya Mitra,
Mr. Sourav Mondal
....for the petitioner

Mrs. Faria Hossain,
Ms. Poulami Bose
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, although the complaint *inter alia* under Section 302 of the Indian Penal Code, 1860, victim committed suicide. He submits that, there was a prior relationship between the victim and the petitioner. He points out that, petitioner is aged about 40 years and victim was aged about 38 years.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary including the Post Mortem Report and statements recorded

under Section 161 of the Criminal Procedure Code. She submits that, the victim left behind a suicide note on a tissue paper which was seized by the police. She refers to the contents of the tissue paper as appearing from the seizure list.

Post Mortem Report suggests that, death was due to hanging. It is inconclusive, as to whether, the death was suicidal or homicidal in nature.

Statement of a handy man who apparently works in the housing complex suggests that, the victim was in an agitated state of mind three days prior to the date of death. The victim took the assistance of such person in breaking open the padlock of the flat. The body of the victim was found in such flat after three days of the breaking open of such padlock.

Father of the victim recorded a statement under Section 161 of the Criminal Procedure Code where he suggests that, the petitioner before us and the victim were in a relationship. Such relationship ended in the death of his daughter when the petitioner refused to marry her. It is claimed by the father of the victim that, the victim was murdered by the petitioner.

As noted above, Post Mortem Report is inconclusive as to the cause of death.

Materials in the Case Diary suggest requirement of investigation.

Enlarging the petitioner at this stage on anticipatory bail, will be inimical to such investigation.

Consequently, we are unable to grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 1441 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)