

22.05.2024
Item No.5 & 24
Ct. No. 3
CHC
Allowed

C.R.M.(A) 1732 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shyampur** Police Station Case No. **596** of **2023** dated **22.12.2023** under Sections **306/34** of the Indian Penal Code 1860, pending before the Learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

And

In the matter of : Basu Bhuniya @ Basudeb Bhunye
..... petitioner

with

C.R.M.(A) 1755 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shyampur** Police Station Case No. **596** of **2023** dated **22.12.2023** under Sections **306/34** of the Indian Penal Code 1860, pending before the Learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

And

In the matter of : Barsha Bhuniya being represented by mother
Krishna Bhuniya @ Krishna Bhuiya
..... petitioner

Mazahar Hossain Chowdhury
....for the petitioner
in CRM(A) 1732/2024 and CRM(A) 1755/2024

Mr. Rana Mukherjee, Ld. A.P.P.
Mr. Suman Saha
....for the State in CRM(A) 1732/2024

Ms. Sreyashi Biswas,
Mrs. Manasi Roy
....for the State in CRM(A) 1755 of 2024

Two applications for anticipatory bail are taken up analogously as they emanate out of the same police case.

Post Mortem Report of the victim suggests that, the victim committed suicide.

As to whether, they are involved in the abetment to commit suicide may be decided at the trial.

In such circumstances, we grant anticipatory bail to the petitioner, namely, Basu Bhuniya @ Basudeb Bhunye in CRM(A) 1732 of 2024.

In respect of petitioner, namely, Barsha Bhuniya being represented by mother Krishna Bhuniya @ Krishna Bhuniya in CRM(A) 1755 of 2024 is dismissed as not maintainable, since she is a minor. We are bound by the judgment of the coordinate Bench holding that an application for anticipatory bail is not maintainable at the behest of a minor.

Accordingly, we direct that in the event of arrest the petitioner, namely, Basu Bhuniya @ Basudeb Bhunye in CRM(A) 1732 of 2024 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 condition that the petitioner, namely, Basu Bhuniya @ Basudeb Bhunye in CRM(A) 1732 of 2024 will report before the Investigating Officer once in a week till the conclusion of investigation and on further condition that he shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the

jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail in respect of the petitioner, namely, Basu Bhuniya @ Basudeb Bhunye in CRM(A) 1732 of 2024 is, thus, allowed.

CRM(A) 1732 of 2024 and CRM(A) 1755 of 2024 are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)