

22.05.2024
Item No.6
Ct. No. 3
CHC
Allowed

C.R.M.(A) 1734 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakdah** Police Station Case No. **379** of **2024** dated **03.04.2024** under Section **302** of the Indian Penal Code, 1860, pending in the Court of the Learned Additional Chief Judicial Magistrate, Kalyani, District- Nadia.

And

In the matter of : Dipankar Das

..... petitioner

Mr. Shibaji Kumar Das

....for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.

Mrs. Shaila Afrin

....for the State

Ms. Rama Ray

....for the de facto complainant

Petitioner prays for anticipatory bail.

Learned advocate for the petitioner submits that, the petitioner was falsely implicated. There is a delay in lodgment of the First Information Report.

State and the de facto complainant are represented.

Learned advocate for the State draws the attention of the Court to the materials in the Case Diary and submits that, the police complaint was registered subsequent to an order passed under Section 156(3) of the Criminal Procedure Code. He draws the attention of the Court to the Post Mortem Report as also three statements recorded under Section 161 of the Criminal Procedure Code.

Learned advocate for the de facto complainant submits with regard to the nature of relationship between the victim and the petitioner.

There is undoubtedly delay between the date of death and the lodging of the First Information Report. Death occurred on December 4, 2023. First Information Report was registered on April 3, 2024.

Post Mortem Report suggests that, the death occurred due to the victim consuming poison. Statements under Section 161 of the Criminal Procedure Code suggest that, the victim confided with two persons that, the petitioner administered poison to her.

Victim was removed to the hospital, where she was treated. There is no material in the Case Diary to suggest that doctor treating the victim recorded any statement of victim in the manner as sought to be recorded under Section 161 of the Criminal Procedure Code.

As noted above, there is a delay from the date of death and the recording of the statements under Section 161 of the Criminal Procedure Code.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 further condition that the petitioner will report before the Investigating Officer once in a week till the conclusion of investigation and on condition that the petitioner 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 is, thus, allowed.

CRM(A) 1734 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)