

25.06.2024

Court No.29

Item No. 49

Rejected

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CRM (A) 1881 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Diamond Harbour Police Station Case No. 106 of 2024 dated 04.03.2024 corresponding to G.R Case No. 705 of 2024 under Sections 306/386/406/120B/34 of the Indian Penal Code.

And

In Re: **Tapas Khan**

Petitioner

Mr. Subir Ganguly

Mr. Sagnik Basu

Ms. Kakali Naskar

For the Petitioner

Mr. Debasish Roy, Ld. P.P

Ms. Anasuya Sinha, Ld. APP

MR. Anand Kesari

For the State

1. Having regard to the statement of the daughter of the deceased and other witnesses implicating the petitioner along with Abhijit Das and Riya Das for the alleged offence, we are not inclined to grant anticipatory bail to the petitioner.
2. Accordingly, the prayer for anticipatory bail of the petitioner is rejected and the same is accordingly disposed of.
3. We also record that the I.O present before us is unable to explain his inaction in respect of the Principal of Diamond Harbour Medical College whose name appeared in the suicide note produced by the learned Public Prosecutor along with the case diary.
4. The A.D.G, C.I.D, West Bengal is hereby directed to take over the matter and may direct re-investigation, if required. The present I.O may be removed from the instant case, if it is required for fair investigation.
5. This order shall be immediately communicated to the A.D.G, C.I.D, West Bengal for information and doing the needful.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)