

02.07.2024
SL No. 22
Court No.29
Sourav/
Suvayan

CRM (A) 2023 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with **Bongaon** Police Station Case No. **410** of **2022** dated **22.04.2022** under Section **306** of the Indian Penal Code.

And

In the matter of : **Sandip Sarkar @ Chhattu**

...petitioner.

Ms. Sananda Bhattacharyya

.... for the petitioner.

Mr. Bibaswan Bhattacharya

Mr. Aritra Bhattacharya

... for the State.

1. In spite of service, the de facto complainant is not represented.
2. The learned Counsel for the petitioner submits that the petitioner was in a love relationship with the respondent and the husband has been falsely implicated.
3. The learned Counsel for the State in opposing the prayer has referred to the statement of the father of the victim, post mortem report and the CDRs.
4. The post mortem report suggests that the death was due to effect of the asphyxia due to hanging and ante-mortem in nature.
5. Considering the materials available in the case diary, the nature and extent of involvement of the petitioner in the commission of the alleged offence and having regard to the fact that contents of the CDRs are unknown, we are of the

view that the custodial interrogation of the petitioner is not necessary. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sandip Sarkar @ Chhattu** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer of the case once in a week or as and when required till submission of the final report and shall not leave the jurisdiction of Bongaon Police Station.
7. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas within two weeks from date and pray for regular bail.
8. Accordingly, the application for anticipatory bail being **CRM (A) 2023 of 2024** is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)