

24.07.2024

Court No.29

Item No. 48

Allowed

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CRM (A) 2483 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 559 of 2023 dated 15.07.2023 corresponding to G.R Case No. 4561 of 2023 under Section 306 of the Indian Penal Code.

And

In Re: Piu Sarkar @ Menoka Sarkar & Anr.

Petitioners

Mr. Kazi M Rahaman

For the Petitioners

Mr. Suman De

Ms. Poulami Bose

For the State

1. Learned counsel for the petitioner submits that the petitioners are innocent and they have been falsely implicated in the instant case. It is alleged that the petitioner no. 1 was in love relationship with the elder son of the de-facto complainant and since the relationship did not fructify in a marriage, the elder son of the de-facto complainant committed suicide, which is ante mortem hanging.
2. Learned counsel for the State has produced the case diary and has referred to NP of a third party in a relationship and the petitioner no. 2 appears to be the cousin brother of the petitioner no. 1, who alleged to have insulted the elder son of the de-facto complainant.
3. Considering the materials available in case diary and prima facie, it appears that the cause of death is ante mortem hanging at the residence of the deceased and considering the nature and extent of complicity of the petitioners in the alleged offence, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Piu Sarkar @ Menoka Sarkar and Sishir Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The **petitioner no. 2** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and the **petitioner no. 1** shall cooperate with the investigation and on further condition that the petitioners shall appear before the learned Chief Judicial Magistrate, Malda within two weeks from date in connection with G.R Case No. 4561 of 2023. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
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)