

20.08.2024
Court No.29
Item No. 33

Allowed

sg

CRM (A) 2878 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS Act, in connection with Amta Police Station Case No. 315 of 2022 dated 24.09.2022 under Sections 302/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate at Uluberia, Howrah.

And

In Re: **Palash Bondhu Ghosh**

Petitioner

Mr. Parthapratim Das
Mr. Dev Kumar Sharma
Mr. Monojit Chakraborti

For the Petitioner

Mr. Rudradipta Nandy
Md. Yaser Ammar Ismail

For the State

1. The petitioner is the distant cousin of the victim. It is submitted that there are litigations between the petitioner and the victim over property issues. The victim was suffering from depression and the petitioner is no way responsible for the death.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the neighbours and the postmortem report and submits that the statement of the neighbours recorded under Section 161 of the Code of Criminal Procedure would show that the petitioner was inflicted mental torture upon the victim.
3. Considering the materials available in the case dairy, the nature and extent of involvement of the petitioner in the commission of alleged offence and as it

reveals that the petitioner was suffering from depression and the cause of death is of unplanned investment and no injury was found on the body of the victim in the postmortem report and the death as revealed from the postmortem report is suicidal in nature moreover, the charge sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Palash Bondhu Ghosh**, 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 learned Additional Chief Judicial Magistrate at Uluberia, Howrah and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and subject to further condition that the petitioner shall appear before the trial court within two weeks from date and thereafter shall appear on each and every date of hearing until further orders.
5. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. 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.)