

03.09.2024
AD-163
Court No.29
TN

CRM (DB) 2813 of 2024

In Re:- An application for cancellation of bail under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973; under Section 483(3) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: **Uttam Bhattacharya**

.... petitioner/ *de facto* complainant

Ms. Nandini Chatterjee

....for the petitioner/ *de facto* complainant

1. This is an application for cancellation of the anticipatory bail.
2. It is submitted that the learned Sessions Judge has allowed the anticipatory bail application of the opposite party nos. 2 and 3 merely on the ground of other two co-accused persons being released on bail on 24th July, 2024 and 5th August, 2024 respectively. It is submitted that conditions of anticipatory bail are different. Both the accused persons who were enlarged on bail were in custody for over a month and that could not have been a reason for enlarging the opposite party nos.2 and 3 on anticipatory bail.
3. We have carefully read the order of the learned Sessions Judge. Admittedly, the victim committed suicide and the allegation against the present opposite party nos.2 and 3 is that they are abettors. Moreover, it was found that the opposite party nos.2 and 3 were residing at different place and there was no sufficient material to show their nature of involvement.

4. Having regard to the nature of the allegation, we feel that the custodial interrogation of the opposite party nos. 2 and 3 is not necessary and accordingly, we do not want to interfere with the order passed by the learned Sessions Judge.
5. Accordingly, this application is dismissed.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)