

05.09.2024

Court No.29

Item No. 64

**Partly
Allowed**

ar

CRM (A) 3129 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali Police Station Case No. 1208 of 2023 dated 09.12.2023 corresponding to G.R Case No. 5626 of 2023 under Sections 306/34 of the Indian Penal Code.

And

In Re: **Jagannath @ Raja Barui & Anr.**

Petitioners

Mr. Amanul Islam

Mr. Sourav Mukherjee

For the Petitioners

Mr. Suman De

Mr. Subham Bhakat

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated.
2. Learned counsel for the State has referred to the case diary and more particularly a paper which claims to be a suicide note.
3. Considering the materials available in the case diary, the statement of the said suicide note which implicates the petitioner no. 2, we are not inclined to grant anticipatory bail to **the petitioner no. 2**. However, nothing has been mentioned regarding the petitioner no. 1 in the said suicide note and there was no specific allegation found against the petitioner no. 1, we are inclined to grant anticipatory bail to the **petitioner no. 1**.
4. Accordingly, we direct that in the event of arrest, namely, the **petitioner no. 1, Jagannath @ Raja Barui** shall be released on bail upon furnishing a bond of Rs.5,000/- , with two registered sureties of like amount each,

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 corresponding to Section 482(2) of the BNSS, 2023. The **petitioner no. 1** shall meet the Investigating Officer as and when required till the submission of the final report and on further condition that the **petitioner no. 1** shall appear before the **learned Chief Judicial Magistrate, Nadia at Krishnagar**, corresponding to **G.R Case No. 5626 of 2022** within two weeks from date. 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 **petitioner no. 1** is allowed, however, the prayer for anticipatory bail of the **petitioner no. 2** stands rejected and the application 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)

(Shampa Dutt (Paul), J)