

03.01.2024
Item No.4
Ct. No. 29
CHC
Partly Allowed

C.R.M.(A) 4231 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bashirhat** Police Station Case No. **573/23** dated **06.07.2023** under Sections **306/34** of the Indian Penal Code.

And

In the matter of : Kartick Sarkar & anr.

..... petitioners

Mr. Ashok Das,
Mr. Dipankar Guha,
Mr. H. Jana

....for the petitioners

Md. Anwar Hossain,
Ms. Sreyashee Biswas

....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the Case Diary.

It appears that the victim committed suicide as transpiring from the Post Mortem Report.

Victim left behind a suicide note which was sent for forensic examination.

Police filed charge-sheet.

The Court is informed that petitioner no.1, namely, Kartick Sarkar was arrested. So the petition for anticipatory bail in respect of petitioner no.1, namely, Kartick Sarkar is dismissed as infructuous.

The materials in the Case Diary does not suggest requirement of custodial interrogation of the petitioner no.2, namely, Samir Kumar Ghosh @ Samir Ghosh.

Apparently, there was money transaction between the victim and the accused persons.

In such circumstances, we confirm the interim order dated October 16, 2023 so far as the petitioner no.2, namely, Samir Kumar Ghosh @ Samir Ghosh is concerned.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, Samir Kumar Ghosh @ Samir Ghosh shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no.2, namely, Samir Kumar Ghosh @ Samir Ghosh shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner no.2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed in respect of petitioner no.2, namely, Samir Kumar Ghosh @ Samir Ghosh.

CRM(A) 4231 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)