

02.01.2024
Item No.29
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4234 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **817/2023** dated **22.06.2023** under Sections **306/34** of the Indian Penal Code, 1860.
And

In the matter of : Bholanath Mandal @ Mondal
..... petitioner

Ms. Minoti Gomes,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mrs. Dona Sanyal
....for the petitioner

Mr. Debabrata Chatterjee, Ld. A.P.P.
Mr. Santanu Chatterjee
....for the State

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

By the order dated October 16, 2023 the petitioner was enlarged on interim anticipatory bail by the co-ordinate Bench.

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 considered the materials in the Case Diary.

The victim died at her hostel.

The Post Mortem report suggests that the victim committed suicide.

The abetment if there be any by the petitioner in the incident, is a subject-matter of trial.

In such circumstances, we confirm the interim anticipatory bail granted on October 16, 2023.

Accordingly, we direct that in the event of arrest the petitioner 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 further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of investigation and on condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4234 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

