

02.01.2024

Serial no. 45
Anticipatory bail
[Allowed]
Dd

CRM (A) 4262 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hirapur** Police Station Case No. **60** of **2022** dated **22.02.2022** under Sections **306/107** of the Indian Penal Code, 1860.
(G.R. Case No. 574/2022)*

-And-

*In the matter of : **Amit Kumar Prasad***

... .. Petitioner

*Ms. Karabi Roy,
Ms. Priyanka Anand Sharma, Advocates
... .. For the Petitioner*

*Mr. Binay Panda,
Ms. Puspita Saha , Advocates
... ..For the State*

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

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. We find that the victim committed suicide as appearing from the postmortem report.

Learned advocate appearing for the State draws the attention of the Court to the WhatsApp chat between the victim and the petitioner before us.

Prima facie, it appears that the WhatsApp chat by itself does not make out a case of abetment to commit suicide. Active participation in the commission of the suicide does not appear from the materials in the case diary, at this stage.

Police filed charge sheet.

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

Consequently, we grant anticipatory bail to the petitioner.

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 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4262 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)