

26.09.2024

Court No.29

Item No. 20

Allowed

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CRM (A) 3439 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Saktigarh Police Station Case No. 108 of 2024 dated 02.04.2024 corresponding to G.R Case No. 1763 of 2024 under Sections 360/34 of the Indian Penal Code.

And

In Re: **Abhijit Ghosh & Anr.**

Petitioners

Mr. Sekhar Basu, Sr. Adv

Mr. Prabir Majumder

Mr. Snehansu Majumder

Mr. Souvik Sen

Mrs. Moumita Nandan For the Petitioners

Mr. Rana Mukherjee, Ld. APP

Mr. Subhasish Dutta For the State

1. Heard the learned counsel appearing for the parties.
2. The petitioners are the Headmaster and President of the school.
3. The son of the de-facto complainant was not permitted to sit in the examination, as he did not have the requisite number of attendance. This fact appears to be admitted, as the complaint also states that due to broken arm his son could not attend the classes for which he was held disqualified. The statement, alleged to be suicidal note, does not specifically implicate the present petitioners. The son of the de-facto complainant appears to be disappointed and felt frustrated by reason of the decision of the Managing Committee and had committed suicide which does not ipso facto make the present petitioners liable to be prosecuted for such suicide. The incident is extremely unfortunate. However, the

decision of the petitioners not to allow the son of the de-facto complainant to appear in the examination is based on the rules. The culpability of the petitioners in the aforesaid background is to be assessed at the trial.

4. On such consideration, we are of the view that custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Abhijit Ghosh and Sk Kamal Hassan @ Sanju** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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 petitioners shall meet the Investigating Officer once in a fortnight till the submission of the final report and on further condition that the petitioners shall appear before the **learned Chief Judicial Magistrate, Purba Bardhaman**, within two weeks from date in connection with **G.R Case No. 1763 of 2024**. 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.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)

