

08.01.2024

Item No. 94

Ct. No. 29

Sb/cp

Allowed

C.R.M.(A) No. 4675 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ramnagar** Police Station Case No. **452 of 2023** dated **18.07.2023** under Section **306** of the Indian Penal Code.

And

In the matter of : Sri Nirmal Kumar Samanta

..... petitioner

Mr. Soumik Ganguli

Mr. Debangshu Bandhu

....for the petitioner.

Mr. Debasish Roy

....for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023.

By such order, the Coordinate Bench granted interim anticipatory bail to the petitioner.

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 materials in the case diary.

Apparently the victim committed suicide.

The victim also apparently left behind a suicide note where he stated that the petitioner before us is responsible for his death. No other overt act appears from the materials in the case diary. Apparently the petitioner used to taunt the victim for losing an election. As to whether the petitioner abetted the

commission of the suicide is an issue which may be decided at the trial.

Under such circumstances, we grant anticipatory bail to the petitioner. Hence, we confirm the interim order dated October 17, 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. The petitioner will 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) 4675 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)