

10.01.2024

219
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4874 of 2023

An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gazole** Police Station Case No. **441** of **2023** dated **01.06.2023** under Sections 306/34 of the Indian penal Code.

And

In Re : Shabnam Beauty @ Sobnam Beauty & Ors.
..... petitioners
Mr. Abhimanyu Banerjee
....for the petitioners
Mr. Avishek Sinha
...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 18, 2023 passed by the Coordinate Bench.

By such order dated October 18, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

The post mortem report suggests that the victim died due to injuries noted in such report and self inflicted in nature.

There are statements in the case diary of friends of the victim who claimed that the victim made a declaration to be stating that he inflicted the injury on himself.

Petitioner no. 1 is the wife of the victim. The other petitioners are in-laws of the victim.

Considering the materials in the case diary, we confirm the interim order dated October 18, 2023.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 nos. 1 & 3 will cooperate with the investigation till the conclusion of the investigation. Petitioner no. 2 will report before the Investigating Officer once a month till the conclusion of the investigation. Petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

