

06.02.2024
Item No.56
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5462 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogolberia** Police Station Case No. **265** of **2023** dated **19.11.2023** under Sections **302/201/34** of the Indian Penal Code, 1860.

And

In the matter of : Upen Das & ors.

..... petitioners

Mr. Soumyajit Das Mahapatra,
Mr. Amanul Islam,
Mr. Sourav Mukherjee
....for the petitioners

Mr. Shashanka Shekhar Saha
....for the State

Petitioners pray for anticipatory bail.

Apparently, the victim committed suicide.

There is an issue of delay of lodgment of First Information Report.

As to whether, the petitioners abetted in the commission of suicide may be decided at the trial.

Police filed charge-sheet *inter alia* under Section 306 of the Indian Penal Code after conducting investigation *inter alia* under Section 302 thereof.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 and on condition that the 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.

CRM(A) 5462 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)