

22.01.2024
Item No.93
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5739 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khargram** Police Station Case No. **466** of **2023** dated **08.12.2023** under Sections **328/34** of the Indian Penal Code adding Section **306** of the Indian Penal Code.

And

In the matter of : Asraf Ali & anr.

..... petitioners

Mr. Manas Kumar Das
....for the petitioners

Mr. S. S. Imam,
Mr. P. Ghosh
....for the State

Petitioners pray for anticipatory bail.

Petitioner no.1 is the father of the victim.

Apparently, the petitioner no.1 was not present at the time and place of occurrence.

The victim apparently consumed poison.

Police are proceeding *inter alia* under Section 306 of the Indian Penal Code as also Section 328 thereof.

Post Mortem Report states that there is no external injury on the body.

In such circumstances, we grant anticipatory bail to the petitioners.

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 further condition that the petitioner no.1, namely, Tajela Bibi @ Hasina Parvin will cooperate with the investigation till the conclusion of the investigation and petitioner no.2, namely, Asraf Ali will report before the Investigating Officer once in a month till the conclusion of investigation and on further 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) 5739 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)