

24.04.2024
Court No.01
Item No. 33

Allowed

sg

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

CRM (A) 351 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 93 of 2024 dated 03.02.2024 under Sections 306 and 34 of the Indian Penal Code.
And

In Re: **Prosenjit Chowdhury.**

Petitioner

Mr. Bikramaditya Ghosh
Ms. Supriya Singh
Mr. Somraj Paul
Ms. Sunayana Prasad

For the Petitioner

Mr. Subham Ghosh
Mr. Mayank Roy
Mr. Subham Sarkar

For the de-facto complainant

Mr. Aditi Shankar Chakraborty, Id. APP
Mr. Ujjwal Luksom
Ms. Sukanya Adhikary

For the State

1. On behalf of the petitioner, it is contended that the present accused person is not the biological father of the informant and he has been falsely implicated in the instant case and that he has no role in the commission of the alleged crime.
2. The prayer for anticipatory bail has been opposed on behalf of the State as well as on behalf of the informant. It is argued that, from the materials collected in course of investigation, it would reveal that the present petitioner is the biological father of the informant and duly married husband of the deceased. It is further argued that on account of instigation of the present petitioner, the deceased committed suicide.

3. On perusal of the entire materials as placed before us, we do not find any much materials, at least prima facie, to attract the provision of Section 107 of the Indian Penal Code as against the present accused petitioner and thus, it appears to us that custodial interrogation of the present accuse petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, **Prosenjit Chowdhury**, shall be released on bail upon furnishing a bond of Rs.10,000/, with two registered sureties of like amount each to the satisfaction of Arresting Officer, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner is further directed to meet the Investigating Officer of this case as and when called for till the submission of the final report.
5. It is pertinent to mention here that in course of hearing, the learned Counsel for the petitioner as well as the learned Counsel for the informant stated before this Court that their respective clients are agreeable to DNA test if the same is necessary for the purpose of investigation.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. CRM (A) 351 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)