

19.06.2024
(D/L 31)
Ct. No.1
(Allowed)
(SKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 444 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotwali P. S. Case No.241 of 2024 dated 02.04.2024 under Sections 306/34 of the Indian Penal Code corresponding to G.R. Case No.1573 of 2024 pending before the learned Chief Judicial Magistrate, Jalpaiguri.

In the matter of : Sri Sanjay Sarkar and another
... Petitioners

Mr. Milindo Paul,
Mr. Nabankur Paul,
Ms. Sutapa Paul,
Ms. Bedashruti Bose,
Mr. Subhyam Das

... for the petitioners

Mr. Aditi Shankar Chakraborty, ld. APP
Mr. Aniruddha Biswas

... for the State

1. Heard learned counsel for the petitioners and the learned State counsel.
2. The petitioners before this court are accused for offence under Section 306 of the Indian Penal Code.
3. It is submitted by the learned counsel for the petitioners that they are the recovery employees of a finance company who had visited the house of the deceased (loanee) *bona fide* for ensuring recovery of loans, advanced to the deceased. The ingredients of the offence, therefore, cannot be made out as there was no intention to drive the deceased (loanee) to commit suicide.

4. Learned counsel for the State opposes the prayer for anticipatory bail. He submits that the investigation is still going on.
5. Considering the rival submissions and the nature of accusations, we are inclined to allow the prayer for anticipatory bail.
6. Accordingly, it is directed that the petitioners shall be released on bail by the Arresting Officer in the event of their arrest in the G.R. Case No.1573 of 2024 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that the petitioners shall cooperate in the investigation as and when required. The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order. Petitioners are directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of the charge-sheet.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. Within 15 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
9. The application being CRM(A) 444 of 2024 is disposed of.

10. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)