

14/05/2025

D/L 28
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1487 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Bankura Police Station case no. 109/2025 dated 12.4.2025 under Sections 329(4)/115(2)/351 (3)/108/3(5) of the BNS corresponding to Sections 448/323/506/306/34 of the IPC.

In the matter of: Premnath Bhakat @ Prem Nath Bhakat & Anr.

... Petitioners

Mr. Arif Ekbal Molla

...for the petitioners.

Mr. Soumik Ganguly

...for the de-facto.

Mr. Ashok Das

...for the State.

1. Learned counsel appearing for the petitioners submits as follows. The petitioners are the neighbours of the victim. They are not at all responsible for the death of the victim. The FIR was lodged after about one month from the date of occurrence.
2. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail and submits that there is a suicide note whereby the victim had clearly implicated the present petitioners. The petitioners were trying to force the victim to sell off his property and were harassing the petitioner and his wife in more than one way. Several G.D entries had to be lodged against the petitioners in this regard.

3. Learned counsel appearing for the State relies on the case diary and points to the post-mortem report and the statements of the de-facto complainant and the neighbours. It is submitted on behalf of the State that the same has been sent to the expert for matching the hand writing.
4. The purported suicide note generally refers to torture committed by the petitioners on his family.
5. From the statements of the neighbours, it appears that the petitioner and some others often used to quarrel with the victim and his wife. They would harass the victim by digging the common road or throwing garbage in the property. They also allegedly threatened the victim of starting a false case if they did not sell the property.
6. It is for the Courts to finally decide whether there was any element of abetment of suicide in this case.
7. However, considering the nature of allegations and the materials available in the case diary, I do not think that custodial interrogation of the petitioners is required in this case.
8. 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, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner no.1 shall meet the

I.O once a week till submission of report in final form and shall stay outside the jurisdiction of Bankura Police Station for a period of six months except for the purpose of meeting the I.O or attending the jurisdictional Court.

9. Accordingly, the application for anticipatory bail is allowed.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)