

08. 11.04.2025
Court
No.1 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 260 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Pradhan Nagar Police Station Case No. 1022/2022** dated **06.12.2022** under Sections **306/34** of the Indian Penal Code, 1860.
And

In the matter of: - **Sri Hare Ram Sah @ Hariram Sah & Ors.**

...petitioners.

Mr. Kunaljit Bhattacharjee
Mr. Abhijit Chanda

...for the petitioners.

Mr. Kallol Acharjee
Ms. Sukanya Adhikary

...for the State.

1. The charge is under Sections 306/34 of the Indian Penal Code, 1860. The victim who committed suicide as would appear from the post mortem report, had an affair with one Nita, daughter of the petitioner nos. 1 and 2 and the sister of the petitioner nos. 3, 4 and 5. The allegation is that when the victim and Nita decided to get married, prior to the wedding, Nita and the petitioners demanded money from him. He was not in a position to pay the money. He was humiliated by Nita and the petitioners which prompted him to kill himself.
2. The petitioners say that Nita has been granted anticipatory bail by the learned Sessions Judge, Darjeeling, by an order dated

August 10, 2023. They have no complicity in the alleged crime.

They prayer for pre-arrest bail.

3. Opposing the prayer for anticipatory bail, learned State Counsel says that the statements of witnesses recorded under Section 161 of the Criminal Procedure Code, 1973 (corresponding to Section 180 of Bharatiya Nagarik Suraksha Sanhita, 2023) corroborate the prosecution case. She has shown me the statements of witnesses and the post mortem report.
4. On an overall assessment of the facts and circumstances of the case and the nature of allegations as well as the quality of materials on record and also considering that charge-sheet has already been filed, I am of the opinion that immediate custodial interrogation of the petitioners may not be necessary.
5. Accordingly, in the event of arrest, the petitioners, namely, **1. Sri Hare Ram Sah @ Hariram Sah, 2. Smt. Shila Sah, 3. Smt. Rinki Sah, 4. Smt. Khusbu Shah, 5. Smt. Pinki Sha** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate at Siliguri, Darjeeling and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioners shall appear before the learned Trial Court on each and every date of hearing and the petitioner no.1 shall report to the Inspector-in-Charge/Officer-

in-Charge of the jurisdictional Police Station, once every fortnight and the petitioner nos.2-5 shall meet such Inspector-in-Charge/Officer-in-Charge, as and when called for, until further orders. Within seven days from date, the petitioner no.1 shall go and meet the Inspector-in-Charge/Officer-in-Charge.

6. In case the petitioners fail to adhere to any of the conditions stipulated above, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
7. The application for anticipatory bail being CRM (A) 260 of 2025 is accordingly disposed of.
8. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)