

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

27.08.2019.
15.
as
(Allowed).

C.R.M. 645 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 25.07.2019 in connection with Matigara P. S. Case No.507 of 2019 dated 15.07.2017 under Section 306 of the Indian Penal Code.

In the matter of : Sarbala Singh @ Sarbala Barman & Ors.
... Petitioners.

Mr. Hillol Saha Podder.
...for the Petitioners.

Mr. Sourav Ganguly,
Ms. Namrata Das.
.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that the victim husband was suffering from depression and committed suicide. The ingredients of the alleged offence punishable under Section 306 of the Indian Penal Code are not disclosed in the facts of the case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and produces the post mortem report.

We have considered the materials on record and bearing in mind the nature of allegations, we are of the

opinion that it is a matter to be decided at the appropriate stage of the proceeding whether the conduct of the petitioners would constitute abetment to suicide or not. No suicide note was left behind by the victim implicating the petitioners in the instant case.

In view of the aforesaid facts, we are of the opinion that custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners viz., Sarbala Singh @ Sarbala Barman, Niren Barman, Sumitra Barman @ Ugon Barman, Satish Barman @ Kaichal and Suchitra Singha shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the trial court and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)

