

14.11.19

Sl. No.13

Ct. No.1

pk

[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 933 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.10.2019 in connection with Kotwali Police Station Case No. 649 of 2019 dated 11.10.2019 under Sections 498A/306 of the Indian Penal Code. (G.R. Case No.4204 of 2019)

And

In Re: ***Champalal Agarwal @ Agarwala and others***

... .. Petitioners

Mr. Rajdeep Majumder,

Mr. A. Das,

Mr. Rohit Agarwal

.. Advocate

... .. for the petitioners

Mr. Arun Kumar Sarkar,

Mr. Abhijit Sarkar,

Ms. Namrata Das

.. Advocate

... .. for the State

Learned counsel for the petitioners submits that no prima facie case of abetment of suicide is made out against the present petitioners. The petitioners happened to be the relatives of the de facto complainant while the victim was the wife of the de facto complainant. There was a property dispute which resulted in the false implication of the present petitioners.

Learned counsel appearing on behalf of the State refers to two dying declarations made by the victim lady.

It is a matter of trial whether the kind of allegations including the ones about disturbing the peace of mind or playing cricket at night would amount to sufficient instigation to anyone to commit suicide.

Considering the materials available on record and the purported roles ascribed to the present petitioners in committing alleged crime, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 1 and 3 shall meet the Investigating Officer twice in a week till the submission of the report in final form and on further condition that the petitioners shall appear before the court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail being CRM 933 of 2019 is, thus, disposed of.

Certified website copies of this order, if applied for, be immediately made available to the parties, subject to compliance with all requisite formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)