

11.11.2019
SI No.48
KB/GSD

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

CRM 981 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on November 7, 2019 in connection with Matigara Police Station Case No. 612 of 2019 dated 9.8.2019 under Section 306 of the Indian Penal Code and corresponding to G.R. Case No. 2520 of 2019.

And

In Re: Sujoy Das.

... .. Petitioner

Mr. Md. Nazar Chowdhury
Ms. Priyanka Saha

... for the petitioner.

Mr. Ujjwal Luksom
Mr. Tapas Bhattaharjee

... .. for the State.

Learned Counsel for the petitioner submits as follows. The victim lady committed suicide by pouring kerosene oil on herself in her own hostel. Subsequently, she succumbed to burn injuries. The First Information Report was recorded after about a month. No prima facie case of instigation is made out against the present petitioner.

Learned Counsel appearing for the State submits as follows. The extract of the dying declaration as given by the victim lady to the treating doctor made out that the petitioner was acquainted with the victim lady and the petitioner had thrown a challenge to her that the victim could not commit suicide. This acted as an instigation upon the victim to commit suicide.

It is a matter of trial whether the kind of instigation that has been alleged could have acted as an abetment to a suicide in the facts and circumstances of the present case.

Considering the nature of allegations and the alleged role ascribed to the present petitioner in the commission of the purported offence, we are inclined to grant anticipatory bail to the petitioner. However, considering the nature of allegations, we think that the movement of the petitioner needs to be restricted.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 shall meet the Investigating Officer once a week till the submission of the report in final form and on further condition that the petitioner shall not enter into the jurisdiction of Matigara Police Station until further orders except for meeting the Investigating Officer or for attending the Court and on further condition that the petitioner shall appear before the Court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail being CRM 981 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.)