

18.09.2020
Sl. No.42
akd
[Rejected]

C. R. M. 6107 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.08.2020 in connection with Raiganj Women Police Station Case No. 45 dated 05.03.2020 under Sections 323/325/306 of the Indian Penal Code. (G.R. Case No.372 of 2020)

And

In Re: **Debasish Dey**

... .. Petitioner

Mr. Navanil De .. Advocate

Mr. Subhankar Chakraborty .. Advocate

... .. for the petitioner

Mr. Bidyut Kr. Roy .. Advocate

Ms. Rita Datta .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case as he had protested with regard to an immoral relation between the victim and a married man. Subsequently, the victim committed suicide. Ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed.

Learned advocate appearing for the State produces the case diary including pictures uploaded on a social media platform showing the petitioner assaulting the deceased few days prior to the incident.

We have considered the materials on record. It appears from the statements as well as contemporaneous electronic records that the victim was subjected to sustained physical and mental torture at the behest of the petitioner. Even if the petitioner may have reservations about any immoral relationship, the nature and degree of torture as appearing from contemporary records prima facie gives an overwhelming impression that such conduct may have precipitated the

suicide. In view of such fact, we are not inclined in granting anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)