

32 15.10.2020
rkd Ct. No.03
(Allowed)

**C.R.M. 7184 of 2020
(IA NO:CRAN 1 of 2020)
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Maynaguri** P.S. Case No. **296 of 2020** dated **17/08/2020** under Section **306** of the Indian Penal Code.

And

In the matter of: Patit Roy

....petitioner.

Mr. S. Guha

...for the petitioner.

Mr. S. S. Sikdar

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, CRAN 1 of 2020 is disposed of.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. Ingredients of the offence under Section 306 of the IPC are not disclosed.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and draws our attention to the statement of the mother of the victim who stated that the petitioner had instigated the victim over mobile phone to commit suicide.

We have considered the materials on record. No call detail records (CDRs) corroborating the statement of the mother of the deceased is placed on record. In view of the aforesaid fact, we are of the opinion whether the petitioner had abetted the suicide through mobile phone as alleged may be assessed at the

appropriate stage of the proceeding. However, in the facts and circumstances of the case, we are inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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

(Subhasis Dasgupta, J.)

(Joymalya Bagchi, J.)