

20.11.2020
Court No. 16
Item No.22
(D/L)
akd & ab

**CRM 7580 of 2020
(Via Video Conference)**

In Re: An application for anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Lokepur Police Station Case No. 51 of 2020 dated 21.07.2020 under Sections 323/306/34 of the Indian Penal Code.

and

In the matter of: Sajal Roy

..... Petitioner

Mr. Kunal Ganguly.

.....for the Petitioner

Mr. S. S. Imam,
Mr. Subrata Roy.

..... for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Pursuant to the order dated November 18, 2020, the investigating officer is present and the suicide note has been produced.

The suicide note makes out that because the deceased was beaten up by this petitioner and another, the deceased was driven to commit suicide. The suicide note also indicated that the deceased had not committed any act of theft.

There is no doubt that the suicide note refers to, inter alia, this petitioner. However, merely because a person is driven to commit suicide because of the act of another may not amount to an offence under Section 306 being made out.

Considering the circumstances, this petitioner is entitled to obtain anticipatory bail, though he should not leave the State without the previous permission of the trial court. The petitioner will attend every date fixed for trial. In the event of any unexplained absence, the trial court will be entitled to cancel the bail without reference to this court.

In the event of arrest, the petitioner will be enlarged on bail on furnishing security of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner should abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

Document produced in court has been returned to the investigating officer.

CRM 7580 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J)