

19.11.2020
Sl. No.45
akd
[ALLOWED]

C. R. M. 7697 of 2020 *[via video conferencing]*
(CRAN 1 of 2020)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 29.09.2020 in connection with New Jalpaiguri Police Station Case No. 192 of 2017 dated 12.03.2017 under Sections 306/506 of the Indian Penal Code.

And

In Re: **Sushen Barman & Anr.**

... .. Petitioners

Mr. Jaydeep Kanta Bhowmick .. Advocate
... .. for the petitioners

Mr. Arun Sarkar .. Advocate
Mr. Biswarup Roy .. Advocate
... .. for the State

Petitioners undertake 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 conferencing.

The application being CRAN 1 of 2020 is accordingly, disposed of.

It is submitted on behalf of the petitioners that they are the relations of the wife of the deceased. A criminal case was registered against the deceased for cruelty against his wife and he was arrested. Subsequently, he committed suicide.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the deceased was ill-treated and abused by the petitioners.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that an earlier criminal case had been registered against the deceased and he had been arrested in connection with such case, we are of the opinion whether ingredients of the offence under Section 306 IPC are disclosed

or not may be assessed at the appropriate stage of the proceeding in accordance with law. However, in the facts and circumstances of the case, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Sushen Barman & (2) Dilip Barman**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)