

60 08.12.2020
rkd Ct. No.28
(Allowed)

C.R.M. 9937 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Basirhat** P.S. Case No. **1022 of 2020** dated **09/09/2020** under Section **306/34** of the Indian Penal Code.

And

In the matter of: Subhajit Ghosh

....petitioner.

Mr. S. Ahmed

...for the petitioner.

Mr. Saswata Gopal Mukherjee, P.P.,

Mr. A. Mitra

...for the State.

It is submitted on behalf of the petitioner that the victim husband committed suicide out of depression.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that petitioner is the paramour of the wife of the victim husband.

We have considered the materials on record. Victim did not leave behind any suicide note implicating the petitioner in the alleged crime. No statement disclosing any active incitement by the petitioner is also placed on record. Under such circumstances, 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 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)