

61 08.12.2020
rkd Ct. No.28
(Allowed)

C.R.M. 9940 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mathabhanga** P.S. Case No. **113 of 2020** dated **13/03/2020** under Section **306** of the Indian Penal Code.

And

In the matter of: Manik Saha

....petitioner.

Mr. S. Ahmed

...for the petitioner.

Mr. A. S. Chakraborty,
Mr. T. Banerjee

...for the State.

It is submitted on behalf of the petitioner that there was rivalry between the parties as both of them ply E-rickshaw in the same locality. There is no material that the petitioner had abetted the suicide of the victim.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that the victim made an oral dying declaration implicating the petitioner.

We have considered the materials on record including the statements of witnesses relating to dying declaration. Although the petitioner is named in the dying declaration, there are no attending circumstances which probabalise an act of active abetment to compel the victim to choose the path of self destruction. In view of the aforesaid facts, we are of the opinion though custodial interrogation of the petitioner is not necessary, petitioner requires to cooperate with the investigation in accordance with law.

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 and on further condition that he shall meet the investigation officer once in a week until further orders.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)