

22.12.2020
Court No.28
SL No.88
AP

CRM 9947 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nowda** P.S. Case No.**124/2020** dated **12.09.2020** under Sections **306/34** of the Indian Penal Code.

And

In the matter of: **Shambhu Das**

....Petitioner.

Mr. Jisan Iqubal Hossain

...for the Petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Ms. Sayanti Santra

...for the State.

It is submitted on behalf of the petitioner that there were monetary transactions between the parties. Petitioner was unable to return the loan advanced to him. Out of depression he committed suicide.

Learned lawyer for the State opposes the prayer for anticipatory bail and refers to the suicide note.

Suicide note is a cryptic one. Circumstances, which prompted the victim to commit suicide, are significantly absent. Statements of witnesses show ill treatment of the victim due to his failure to refund the loan advanced. The statements do not, however, disclose a case of active incitement to suicide. Whether the conduct of the petitioner would constitute abetment to suicide or not may be assessed at the appropriate stage of the proceeding. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)