

116 15.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 9977 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Uttarpara** P.S. Case No. **277 of 2020** dated **13/09/2020** under Section **448/323/325/306/354B/427/379/506/34/201** of the Indian Penal Code.

And

In the matter of: Falguni Mandal

....petitioner.

Mr. S. Chakraborty

...for the petitioner.

Mr. M. Sur,
Mr. D. Paramanick

...for the State.

It is submitted on behalf of the petitioner that the deceased was accused of ill-treatment/torture on his wife who had committed suicide. He and his family members assaulted the petitioner and others. General diary was recorded. Subsequently, petitioner has been falsely implicated in the instant case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that the victim committed suicide as his sister had been ill-treated by the petitioner and others.

We have considered the materials on record. Grievances expressed in the suicide note may be assessed in the light of the fact that the deceased was accused of torturing his wife who committed suicide. Tenor of the suicide note expresses frustration and vengeance against the petitioner. Whether the conduct of the petitioner in accusing the victim of torturing his

wife culminating in his arrest would per se constitute abetment to suicide or not may be assessed at the appropriate stage of the proceeding. There is no material to show that the accused persons had actively incited the victim to commit suicide. In view of the aforesaid facts, 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.)