

09.12.2020.

73.

as

(Allowed).

C.R.M. 10012 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Illambazar P. S. Case No.128 of 2020 dated 09.09.2020 under Section 306 of the Indian Penal Code.

In the matter of : Prasanta Hazra. ... Petitioner.

Mr. Sanjib Kr. Dan,
Mr. Saryati Datta.

...for the Petitioner.

Mr. Rana Mukherjee, Id. A.P.P.,
Mr. Goutam Wilson.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that the ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed in the facts of the case. There was a friendly relationship between the parties. Subsequently, the victim committed suicide.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner used to tease the victim who subsequently committed suicide.

We have considered the materials on record. Materials show an intimate relationship between the parties. The victim did not leave behind any suicide note implicating the petitioner. Whether the act of the petitioner would constitute abetment of suicide punishable under Section 306 of the

Indian Penal Code 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 of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner, viz., Prasanta Hazra 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)