

17.12.2020
tkm/ct 28
sl no. 171

**C.R.M. 10472 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Haldibari P.S case 124 of 2020 dated 29.9.2020 under sections 306/34 of the IPC

Allowed

and

In Re : Nilkamal Mandal & Ors.

..... petitioners

Mr. H Saha Podder

..... for the petitioners

Mr A S Chakraborty

Mr. Tapan Bhattacharya

..... for the State

It is submitted on behalf of the petitioners that ingredients of offence punishable under section 306 IPC are not disclosed in the facts of the case.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioners misbehaved with the victim who committed suicide.

Whether misbehaviour by the petitioners would constitute abetment to suicide may be assessed at the appropriate stage of the proceeding. Victim did not leave behind any suicide note implicating the petitioners.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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 being CRM 10472 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)