

34 13.01.2020
rkd Ct. No.28
(Allowed)

C.R.M. 248 of 2020

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **08/01/2020** in connection with **Mathabhanga** P.S. Case No. **184 of 2019** dated **19/05/2019** under Sections **306/34** of the Indian Penal Code.

And

In the matter of: Dolan Dey & Ors.

....petitioners.

Mr. S. Sarkar

...for the petitioners.

Ms. S. Bhar

...for the State.

It is submitted on behalf of the petitioners that they are the in-laws of the victim housewife and they have been falsely implicated in the instant case. Ingredients of the offence punishable under Section 306 of the IPC are not disclosed in the facts of the case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that the petitioners had misbehaved with the victim housewife who objected to their illegal activities.

We have considered the materials in the case diary. It appears that there was a dispute between the petitioners on the one hand and the victim housewife and her husband on the other hand. It is matter to be decided at the appropriate stage of the proceeding whether the conduct of the petitioners would constitute abetment to suicide or not. However, in view of the extent of complicity of the petitioners in the alleged crime, we are of the opinion that custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that they shall appear before the court below and pray for regular bail within four weeks from date.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)