

06.02.2020
tkm/ct 28
sl no. 42

C.R.M. 1253 of 2020

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 4.2.2020 in connection with Kotwali P.S. Case No. 893/2019 dated 8.12.2019 under sections 306/120B of the IPC

And

Allowed

In Re : Abhijit Daga & Ors. petitioners

Mr. Y J Dastoor, Sr. Adv.
Mr. Sandipan Ganguly Sr. Adv.
Mr. D Mukherjee
Ms. J Rudra
Ms. M Dutta Majumder

..... for the petitioners

Mr. S G Mukherjee, Id PP
Mr. R D Nandy

..... for the State

Mr. Sourav Chatterjee
Mr. S Das Mahapatra

..... for the de facto complainant

Petitioners are the directors of a company namely Jalpaiguri Construction Pvt. Ltd. and they had undertaken a project to build a shopping complex on a property which was occupied by the family members of the deceased. Negotiations were held between the parties and it was agreed that the company would hand over two flats of 700 sft and 1000 sft in the residential complex and pay sum of Rs. 50,000/- to one Sarina Bewa and Rs. 25,000/- to Kohinoor Begam, grand mother and mother of the deceased respectively.

Notwithstanding the aforesaid agreement between the parties, deceased raised additional claim of a shop room in the shopping complex which was not accepted by the petitioners. Subsequently, the deceased committed suicide and petitioners have been falsely implicated in the present case.

Learned lawyer for the de facto complainant submits that the petitioners are influential business men and are hand in glove with the district and police administration. They subjected the de facto complainant and her family members including the deceased to continuous torture and threats. Unable to bear such torture, deceased committed suicide. In the event petitioners are granted anticipatory bail, they would scuttle the investigation which is in the hands of the police administration which is partial towards the petitioners.

Learned lawyer for the State submits that the petitioners had subjected the victim to coercion and threats. Unable to bear such torture, he committed suicide. Suicide note uploaded on the facebook account of the deceased implicates the petitioners.

We have considered the materials on record. There was a commercial arrangement between the petitioners on the one hand and the family members of the deceased on the other hand with regard to development of a large tract of land, part of which was in the control of the family members of the deceased. Over such issue, tension prevailed between the two groups. Suicide note records collusion between the petitioners and the civil and police administration of the district which thwarted efforts of the deceased to seek legal redress. Under such circumstances, he was constrained to choose the path of self-extermination.

In the backdrop of the aforesaid facts emanating from the suicide note including the statements of the family members of the victim it appears that the latter chose the path of self extermination to teach the petitioners a lesson. It may not be out of place to record that the grievance of the victim in the suicide note is not only against the petitioners but also with regard to the inaction on the part of the state administration. One cannot lose

sight of the fact it was up to the victim to resort to appropriate legal remedies in stead of choosing the path of self annihilation.

Under such circumstances, it is a matter to be assessed at the appropriate stage of the proceeding whether the act of the petitioners constituted abetment of suicide or not.

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 and on further condition that the petitioners while on bail shall not enter the jurisdiction of Kotwali P.S. except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction they shall reside while on bail once in a week until further orders and shall provide the address where they shall presently reside to the investigating officer as well as court below.

Petitioners shall appear before the investigating officer and hand over their passports, if any, within a fortnight from date. In the event they do not have passports, they shall personally appear before the investigating officer and furnish affidavit to that effect within the time frame mentioned hereinabove.

The application being CRM 1253 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)