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ss Allowed

C.R.M. 1429 of 2020

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 07.02.2020 in connection with Tufanganj P.S. Case No. 524 of 2019 dated 07.09.2019 under sections 306/201/34 of the Indian Penal Code.

And

In the matter of : Madhabi Mandal Basak @ Madhu

Mr. Bitasok Banerjee

... ... for the petitioner

Mr. Madhusudan Sur, APP

Mr. Dipankar Paramanick

... ... for the State

It is submitted on behalf of the petitioner that she has been falsely implicated in the instant case. The victim was a overly emotional person and committed suicide due to depression. Ingredients of the offence punishable under section 306 of the Indian Penal Code are not disclosed in the facts of the case.

Learned lawyer for the State submits that petitioner had an illicit relation with the victim who subsequently committed suicide.

We have considered the materials on record. Although there are allegations of illicit association between the petitioner and the victim it cannot be said that the petitioner had practiced any deceit or fraud upon him which may constitute as an act of abetment to commission of suicide.

Perusal of suicide note shows the victim committed suicide due to unrequited love. Under the facts and circumstances of the case, we are of the opinion custodial interrogation of the petitioner may not be necessary and she may be granted anticipatory bail.

Accordingly, we direct in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only), 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. Petitioner shall appear before the investigating officer and hand over her passport, if any, within four week from date. In the event she does not have any passport, she shall personally appear before the investigating officer and furnish an affidavit to that effect within the time frame mentioned hereinabove.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)