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ss Allowed

C.R.M. 12493 of 2019

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 24.12.2019 in connection with NJP P.S. Case No. 993 of 2019 dated 06.11.2019 under sections 341/325/506/306/34 of the Indian Penal Code.

And

In the matter of : Rana Rajesh Singh & Anr.

Mr. Pravas Bhattacharya

... .. for the petitioners

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... .. for the State

It is submitted on behalf of the petitioners that there was a domestic quarrel between the parties and subsequently the victim, who is a temperamental lady, committed suicide. Allegations do not disclose ingredients of offence punishable under section 306 IPC.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioners had assaulted and abused the victim in filthy language. They had also exhorted the victim to commit suicide.

We have considered the materials on record including the statements of the witnesses. Statement of the husband of the victim housewife show that the petitioners had quarreled with the victim immediately prior to the incident. In course of quarrel it is alleged exhortations were made to the victim to commit suicide. Whether such exhortations in course of quarrel

would constitute abetment to commit suicide or not may be assessed at the appropriate stage of the proceeding. However, in the facts and circumstances of the case we are of the opinion that custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

Accordingly, we direct in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) each, 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 and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)