

22.09.2021
Item no.59
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3001 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 25.03.2021 in connection with Chandrakona Police Station Case No. 364 of 2020 dated 19.11.2020 under Sections 302/201/34 of the Indian Penal Code.

And

In the matter of : Arati Sen & Another.

.....Petitioners.

Mr. Arup Kr. Bhowmick, Advocate,
.....for the Petitioners.

Mr. Madhu Sudan Sur, Ld. P.P.,
Mr. Manoranjan Mahato, Advocate,
.....for the State.

The case was filed under Sections 302/201/34 of the Indian Penal Code. The allegation appears to be that the victim went to his in-law's house where he was killed. The petitioners are the mother-in-law and brother-in-law of the victim.

The charge-sheet has been filed under Section 306 of the Indian Penal Code read with Section 34 thereof. Regarding instigation or abetment to commit suicide, there does not, prima facie, appear to be convincing material on record. The prosecution says that the victim was invited to the in-law's

house where he was beaten up by the in-laws. Feeling insulted, the victim committed suicide.

On an overall assessment of the material on record and the facts and circumstances of the case and keeping in mind that charge-sheet has already been submitted, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioners namely **Arati Sen** and **Raju Sen** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3001 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

