

CRM 3151 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Matia Police Station** Case No. **53 of 2020** dated **13.02.2020** under Sections **306/120B/34** of the Indian Penal Code.

- A n d -

In the matter of : Sefali Mondal & Anr.

.... Petitioners.

Mr. S. Jahan,
Mr. D. Mondal,

... For the Petitioners.

Mr. T. Nandy,
Mr. A. Basu,

... For the State.

The allegation is that the victim boy had a long standing affair with the petitioner no. 1. Ultimately when the petitioner no. 1 shunned him and refused to marry him, the victim committed suicide by hanging himself from a tree on a field adjacent to the house of the petitioners.

The petitioners say that they have absolutely no role to play in the death of the victim. It was within the rights of the petitioner no. 1 to disagree to marry the victim. There was no instigation on the part of the petitioners which might have led the victim to kill himself.

The State says that a suicide note was recovered from the victim's apparel in which the victim stated that these petitioners are responsible for his death. Further, apparently a photograph of the victim hanging from the tree was sent by the petitioner no. 1 to the victim's mother.

We have considered the material in the case diary including the statements of neighbours recorded under Section 161 of the Code. Charge sheet has been submitted.

On an overall assessment of the material on record we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they are prepared to cooperate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners, namely, **Sefali Mondal** and **Bharati Sarkar** 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 the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3151 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)