

08.11.2021
Item no.90
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 4242 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 22.06.2021 in connection with Nakashipara Police Station Case No. 127 of 2021 dated 22.03.2021 under Section 306 of the Indian Penal Code.

And

In the matter of : Kalu Sk @ Samsed Sk.

.....Petitioner.

Mr. Amanul Islam, Advocate,
.....for the Petitioner.

Ms. Faria Hossain, Advocate,
Ms. Baisali Basu, Advocate,
.....for the State.

The allegation is that the petitioner and the wife of the victim had an illicit relationship. The petitioner and the victim's wife meted out mental cruelty to the victim. As a result, the victim committed suicide by hanging. Charge-sheet has been filed after investigation.

We have seen the material in the case diary including the statements of neighbours recorded under Section 161 of the Criminal Procedure Code. The statements do not prima facie amount to an allegation blaming the petitioner for aiding or abetting the suicide of the victim.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are inclined to allow the petitioner's prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner namely **Kalu Sk @ Samsed Sk** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 and on further condition that the petitioner shall report to the Investigating Officer once in a fortnight until further orders.

In case the petitioner fails 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 4242 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.)

