

13.12.2021
Sl. No.38
akd
[ALLOWED]

C. R. M. 4238 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.06.2021 in connection with Ghola Police Station Case No. 156 of 2021 dated 16.03.2021 under Sections 306/34 of the Indian Penal Code.

And

In Re: **Anita Roy & Anr.**

... .. Petitioners

Mr. Saryati Datta
Mr. Iqbal Kabir

... .. for the petitioners

Md. Kutubuddin

... .. for the State

Petitioners are the relations of the co-accused namely, Trisha who had a love affair with the deceased. It is contended that the deceased committed suicide out of depression. Petitioners did not abet the suicide.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners subjected the deceased to mental torture.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. No suicide note was left behind by the deceased. Whether the circumstances would disclose a case of abetment to suicide or not may be assessed at the appropriate stage of the proceeding. However, in the facts and circumstances of the case and keeping in mind the extent of complicity of the petitioners in the alleged crime, we are of the opinion that custodial interrogation of the accused/petitioners may not be necessary in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Anita Roy & (2) Barsha Roy**, 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 also 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.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)