

CRM No.4613 of 2021

Via video conference

30.11.21

(S.R.)

Sl.194

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Mayureswar** Police Station Case No.39 dated 18/03/2021 under Sections 306/34 of the Indian Penal Code (G.R. Case No.348 of 2021);

And

In re: Sourav Mondal

... petitioner.

Mr. Sanjib Kumar Dan

Mr. Saryati Datta

... for the petitioner.

Mr. Saibal Bapuli

Mr. S. Ganguly

...for the State.

The learned lawyer for the petitioner Mr. Datta submitted that there is no suicidal note; there is no direct nexus between the commitment of suicide and altercation and there are no strong incriminating materials against the present petitioner for which custodial detention is not necessary.

Per contra, the learned lawyer representing the State submitted that there was a suicidal note left by the victim for which the present petitioner is directly implicated and *Prima facie* materials on record sufficiently demonstrate that the present petitioner is responsible for commitment of suicide by the victim.

we have heard rival submissions and perused the case diary. We have perused the statements of witnesses from which strong incriminating elements against the present petitioner come out. It appears that a suicidal note is left by the victim where she implicated the present petitioner along with his family members. The content of suicidal note is mentioned in the seizure list.

On perusal of case diary and other materials, we are of the considered opinion that strong incriminating elements are there

against the present petitioner for which we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail being CRM No.4613 of 2021 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)