

13.12.2021
ct 28
cm/suvayan
sl no. 106

C.R.M. 4941 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bongaon P.S Case No. 232 of 2021 dated 10.04.2021 under Section 306 of the Indian Penal Code.

And

Allowed

In Re : Tagari Gain @ Tagari Gain(Baidya)

..... petitioner

Mr. Rajdeep Mazumder
Mr. Pritam Roy
Ms. Arushi Rathore
Mr. Abhijit Singh

..... for the petitioner

Mr. Anowar Hossain
Mr. Sreyasi Biswas

..... for the State

It is submitted on behalf of the petitioner that she has been falsely implicated in the instant case.

No case of suicide is disclosed in the facts. She did not abet suicide of the deceased.

Learned lawyer for the State submits that the petitioner had an illicit affair with the deceased and used to demand money. As the deceased was unable to pay money, she misbehaved with him. Consequentially, she committed suicide.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials including statements of witnesses. Witnesses disclosed that there was an illicit relationship between the parties and petitioner had misbehaved with the deceased as he failed to pay money to her.

However, no suicide note implicating the petitioner is placed before us. Under such circumstances whether conduct of the

petitioner would constitute abetment to suicide may be assessed in course of trial.

In the light of the aforesaid facts, we are of the opinion custodial interrogation is not necessary and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Petitioner shall appear before the court below and pray for regular bail within two weeks from date.

The application being CRM 4941 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)