

13.12.2021
Serial no. 135
Dd

(Through Video Conference)

CRM 5228 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Chanditala** Police Station Case No. **73** of **2021** dated **26.02.2021** under Sections **306/34** of the Indian Penal Code
-And-

In the matter of : **Durgapada Kanrar & Ors.** ... **Petitioners**

Mr. Kazi Safiullah, Advocate
... ... For the Petitioners

Ms. Faria Hossain,
Ms. Baisali Basu, Advocates
... ...For the State

It is submitted on behalf of the petitioners that the victim committed suicide out of depression. It is contended that ingredients of the offence punishable under Section 306 are not disclosed in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail. She submits there was a love affair between the daughter of the petitioner nos. 1 and 2 and the deceased. It is contended due to their opposition, marriage could not fructify. Accordingly victim committed suicide.

We have considered the materials on record including the statement of witnesses. Whether unwillingness of the petitioners to agree to the marriage between Aditi and the deceased would constitute abetment to suicide or not may be assessed in the attending facts and circumstances of the case during trial. However, no suicide note was left behind by the deceased implicating the petitioners.

Under such circumstances we are of the opinion that the petitioners may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall 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 be 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 a period of four weeks from date.

This application for anticipatory bail is, thus, **allowed**.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)