

14.12.2021.
41.
as
(Allowed).

C.R.M. 5267 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jamalpur P. S. Case No.94 of 2021 dated 06.04.2021 under Section 306 of the Indian Penal Code.

In the matter of : Shreya Nandi & Anr.
... Petitioners.

Mr. Uday Sankar Chattopadhyay,
Mr. Pronay Basak.
...for the Petitioners.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Ms. Faria Hossain,
Mr. Aniket Mitra.
.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that there was a love affair between petitioner no.1 and the deceased. Ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed in the facts of the case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the suicide note of the deceased. It appears from the suicide note that there was a love affair between the petitioner no.1 and the deceased. However, petitioner no.1 subsequently developed amorous interest in others which caused agony to the deceased. Petitioner no.2 supported petitioner no.1.

Whether the conduct of the petitioners would constitute abetment to suicide or not may be assessed in the light of attending facts and circumstances of the case in course of trial. However, in the light of the aforesaid, we are of the opinion that custodial interrogation of the petitioners is not necessary and they 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/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)