

02.12.2021
Court No.32
rpan / **168**

C.R.M. 5686 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Surya Kanta Samanta**

- Petitioner

Mr. Tapan Dutta Gupta,

Mr. Parvej Anam

....for the Petitioner.

Mr. S. S. Imam,

Mr. S. Kundu

....for the State.

Apprehending arrest in connection with Kotwali Police Station Case No. 180 of 2021 dated 11.03.2021 under Section 306 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Anam, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. There is also no likelihood that he would flee from justice. In the said conspectus, custodial interrogation is not warranted.

Mr. Imam, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statements of the witnesses as recorded under Section 161 of the Code and the post-mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears from the statements of the witnesses that there was a relationship between the petitioner and the victim since 2015. Whether the failure on the part of the petitioner to marry the victim would, per se, constitute abetment of suicide is a matter to be decided at the appropriate stage of the proceeding.

Considering the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Surya Kanta Samanta**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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 with a further condition that he shall meet with the investigating officer of the case once a week on and from 14th December, 2021 till the investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 5686 of 2021, is, thus, disposed of.

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.)