

14.12.2021
Serial no. 109
Dd

(Through Video Conference)

CRM 5999 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Baduria** Police Station Case No. **301** of **2021** dated **05.06.2021** under Sections **306/34** of the Indian Penal Code.

-And-

In the matter of : **Shikhari Basu alias Biswas**
... **Petitioner**

Mr. Angshuman Chakraborty, Advocate
... ... For the Petitioner

Mr. Abhra Mukherjee,
Ms. Manisha Sharma, Advocates
... ...For the State

Mr. Satadru Lahiri
... ...For de facto complainant

It is contended on behalf of the petitioner that the relationship between her and her deceased husband was strained. He committed suicide out of depression. It is further contended ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Learned lawyer for the de facto complainant submits that the victim left behind a suicide note implicating the petitioner.

We have considered the materials including the suicide note. Victim has disclosed agony with regard to the conduct of his wife who is alleged to have had extra marital

affairs. He also expressed deep sorrow due to the greedy nature of his wife and her relations. No doubt, deceased was deeply hurt by the behaviour of his wife. However, in the note there is no reference to any express incitement held out by the petitioner towards the deceased to commit suicide. Whether the petitioner's conduct would constitute abetment of suicide or not requires to be assessed in course of trial. However, under the aforesaid circumstances, we are of the opinion though custodial interrogation is not necessary, petitioner requires to cooperate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall cooperate with the investigation as and when necessary.

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

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)