

14.12.2021

Serial no. 111

Dd

(Through Video Conference)

CRM 6042 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **841** of **2021** dated **13.08.2021** under Sections **306/34** of the Indian Penal Code.

-And-

In the matter of : **Ashok Mandal & Anr.**
... **Petitioners**

Mr. Sk. Salim, Advocate
... ... For the Petitioners

Ms. Anasuya Sinha,
Mr. Pinak Kr. Mintra, Advocate
... ...For the State

Mr. Kalidas Saha, advocate
... ...For the de facto complainant

Petitioners prayed for anticipatory bail. It is contended the ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed in the instant case.

Learned lawyers for the State and de facto complainant oppose the prayer for anticipatory bail.

We have considered the materials on record. It appears that petitioner no. 2 had an illicit relationship with the deceased. Over this issue, petitioners extorted money from the deceased. Consequently, he committed suicide. Materials, however, do not show that the petitioners had incited the deceased to commit suicide. Whether the conduct of the petitioners would constitute abetment to suicide or not, requires to be assessed in the light of attending circumstances in the course of trial.

In view of the aforesaid, 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.)