

04.10.2021
Item no.13
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 6186 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 17.09.2021 in connection with Berhampore Police Station Case No. 680 dated 08.7.2021 under Sections 498A and 302 of the Indian Penal Code.

And

In the matter of : Prabir Kumar Saren.

.....Petitioner.

Mr. Sandipan Ganguly, Sr. Advocate,
Mr. Soumalya Ganguli, Advocate,
Mr. Debmalya Ganguli, Advocate,
Md. Zojhjaib Rauf, Advocate,
Mr. Dipanjan Duttan, Advocate,
Mr. Vishwarup Acharyya, Advocate,
.....for the Petitioner.

Mr. P.K. Dutta, Ld. A.P.P.,
Mr. Santanu Deb Roy, Advocate,
.....for the State.

The petitioner is the husband of the victim lady who, it appears prima facie, committed suicide by hanging herself. The petitioner says that he was married to the victim for twelve years. They have a three years old son. There used to be occasional quarrels that happen between husband and wife. On the day of the incident the victim and the petitioner were sleeping in separate rooms. The victim locked the door from

inside. Later, when the victim did not respond to the calls of the petitioner, the petitioner sought the help of his neighbours. The door had to be broken and it was found that the victim had hung herself.

We have seen the material in the case diary including the statements of neighbours. We have also seen the Post Mortem Report. Prima facie, we do not find any allegation of continuous torture of the victim by the petitioner. Further, it may be a case of suicide and not murder.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the view that although charge-sheet is yet to be submitted, immediate custodial interrogation of the petitioner may not be necessary so long he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner namely **Prabir Kumar Saren** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner shall report to the Investigating Officer once in a fortnight until completion of investigation.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned

Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 6186 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)