

21.12.2021
SL No.63
Ct. 28
Saswata

CRM 8439 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Gobardanga** P.S. Case No. **214/21** dated **16.09.2021** under Section 306 of the Indian Penal.

And

In the matter of: **Nemai Chandra Ghosh**

....Petitioner

Mr. Prasenjit Debnath

...for the Petitioner

Mr. S. Mahapatra

Mr. Suman De

...for the State.

It is submitted on behalf of the petitioner that the deceased was a tenant and he committed suicide out of depression.

Ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed in the facts of the present case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses show there was a dispute between the parties as the deceased had defaulted in paying rents. Whether conduct of the petitioner would constitute abetment to suicide or not may be assessed during trial. However, in view of the factual matrix of the case, we are of the opinion custodial interrogation of the petitioners is not necessary and he may be granted anticipatory bail.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten thousand only), with two sureties of like amount each one of whom must be local, to the satisfaction of the arresting officer and also 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 four weeks from date.

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

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)