

CRM No.8475 of 2020
(via video conference)

02.08.21
(S.R.)
Sl.14
Ct.30

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kalna** Police Station Case **No.215 of 2020** dated **20.03.2020** under Sections **306/34** of the Indian Penal Code (G.R. Case **No.481 of 2020**);

And

In re: Sukanta Halder

... petitioner.

Ms. Sonali Das

... for the petitioner.

Mr. Neguive Ahmed

Mr. Anwar Hossain

Ms. Amita Gaur

...for the State.

This is a case wherein the petitioner was granted interim protection as regards arrest of the petitioner. The allegation raised against the petitioner is that he goaded the victim to commit suicide.

It is submitted by the learned advocate for the petitioner that the petitioner had a love affair with the victim girl, and subsequently negotiation for marriage was held, but the marriage could not be held. Since, the marriage was not held by reason of alleged refusal of the petitioner, the victim girl committed suicide. The investigation, according to the petitioner, has been ended in charge sheet and as such, custodial interrogation of the petitioner would be an unnecessary exercise.

Learned advocate for the State is present, who submits that charge sheet in this case has also been submitted, but there is no suicidal note left behind by the deceased victim.

Having considered the submissions of both sides and bearing in mind that interim protection granted to the petitioner together with the completion of investigations leading to the submission of charge sheet, we are of the considered view that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, 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 the petitioner shall attend the learned trial court on all the dates, as fixed for hearing, and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being CRM No.8475 of 2020, is allowed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)