

SL. 135
March 19, 2021.
AKG

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
C.R.M. 90 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on January 6, 2021 in connection with Pradhan Nagar Police Station Case No. 812 of 2020 dated December 24, 2020 under sections 306 read with 34 of the Indian Penal Code.

And

Allowed

In Re : Sri Rathin Ghosh

... petitioner.

Mr. Rajdeep Majumder,
Mr. Avrojoyti Das,
Ms. Radhika Agarwal.

... for the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State.

Upon hearing learned counsel for the parties, it is evident that several civil disputes and litigations were going on between the parties apart from certain complaints having been lodged by the petitioner against the deceased. Subsequently, the victim died, leaving a suicide note, implicating the petitioner primarily on the ground that the petitioner was coercing the victim for handing over a particular plot of land to the petitioner.

Learned counsel for the State opposes the prayer for anticipatory bail on the ground that even apart from the suicide note, the wife of the victim made statements, on the basis of which FIR was registered, to the effect that the petitioner had threatened the victim at gun-point and also regarding kidnapping of the daughter of the victim.

Whatever may be such allegations, in view of the nature of the offences for which arrest is apprehended being Section 306 of Indian Penal Code, there is sufficient benefit of doubt as to whether, as per the suicide note, the petitioner could have been a direct cause of abetment of the death of the petitioner, or whether the victim's fear was generated due to apprehended action of the petitioner, which does not amount to abetment.

As such, without going into the merits of the case at this stage, it appears from the materials on record and the suicide note that there is sufficient scope of benefit of doubt to be given to the petitioner at this juncture.

Accordingly, CRM 90 2021 is allowed, thereby granting anticipatory bail to the petitioner on the following conditions:-

In the event the petitioner is arrested, he shall be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each, to the satisfaction of the arresting officer. The petitioner shall appear before the Investigating Officer once every fortnight. The petitioner shall also comply with all the conditions stipulated under Section 438 (2) of the Code of Criminal Procedure.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)