

21.09.2021
Court No.01
Item No. 32
Allowed
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM 244 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the
Code of Criminal Procedure ;

And

In Re : **Raju Mandal**

Petitioner

Mr. Arijit Ghosh

For the Petitioner

Mr. Ujjwal Luksom

Ms. Namrata Das

For the State

Apprehending arrest in connection with Alipurduar Police Station

Case No. 539 of 2020 dated 09.12.2020 under section 306 of the

Indian Penal Code, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that
the petitioner has been falsely implicated. There was a love relationship
between the petitioner and the victim lady and the petitioner has not
in any manner abetted the victim lady to commit suicide. In the said
conspectus, custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the post mortem report and the suicide note. He submits that investigation is still in progress.

Prima facie, it does not appear that the petitioner had instigated the victim lady to commit suicide. Considering the nature of accusation and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Raju Mandal** , 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the petitioner shall meet with the Investigating Officer of this case once a week on and from 29th September, 2021 until further orders .

The application for anticipatory bail, being C.R.M. No. 244 of 2021 is, thus, disposed of.

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

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)