

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

**CRM 315 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Pundibari Police Station Case No.370 of 2020 dated 01.10.2020 under Sections 306/34 of the Indian Penal Code.

And

In the matter of: Faruk Mohammad and others

.... Petitioners

Mr. Subhasish Ghosh

... For the Petitioners

Mr. Arun Kumar Sarkar,
Mr. Saikat Chatterjee.

... For the State

Mr. Debajit Kundu.

...for the de facto complainant.

Leave is granted to the learned advocate-on-record for the petitioners to amend the cause title of the application.

The petitioners submits that initially there was a talk of marriage between the petitioner no.1 and the daughter of the victim and subsequently marriage took place, the latter stand being corroborated by the learned counsel for the *de facto* complainant.

Learned counsel for the State opposes the prayer for anticipatory bail.

It is evident from the materials on record that the allegations revolved around the refusal of the petitioner no.1 to marry the daughter of the victim, which allegedly abetted the suicide of the victim. However, the nexus between the death of the victim and the

initial refusal, which ultimately culminated in marriage, does not appear prima facie to be sufficient to refuse the benefit of anticipatory bail of the petitioners.

Accordingly, CRM 315 of 2021 is allowed, thereby granting anticipatory bail to the petitioners. The petitioners, if arrested, shall be released immediately on bail upon furnishing security of Rs.10,000/- each with two sureties of like amount each to the satisfaction of the arresting officer. The petitioners will report before the investigating officer fortnightly and make themselves available for interrogation, if so necessary. The petitioners shall also comply with the conditions stipulated in Section 438(2) of the Code of Criminal Procedure.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)