

17.08.2021

Court No.28  
Item No.11  
(ALLOWED)

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

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**(Via Video Conference)**

**CRM 719 of 2021**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.07.2021 in connection with Tufanganj Police Station Case No. 438 of 2020 dated 12.10.2020 under Sections 306/120B of the Indian Penal Code;

And

In the matter of : **Nirmal Barman.**

**...Petitioner**

**Mr. Uday Sankar Chattopadhyay,  
Mr. Santanu Maji,  
Ms. Snigdha Saha.**

**...For the Petitioner**

**Mr. Ujjwal Luksom,  
Mr. Tapan Bhattacharjee.**

**...For the State.**

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Tufanganj Police Station Case No. 438 of 2020 dated 12.10.2020 under Sections 306/120B of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

A case has been initiated on suicide by a deceased girl who was unable to sustain the committed relationship with the petitioner. Admittedly, both the petitioner and the deceased were emotionally attached to each other and, according to the petitioner, there was no difficulty in converting such relationship in institutionalizing the same by performing the marriage. However, there was a discord, which led the commission of suicide and the suicidal note left by the

deceased does not reveal any cause except naming the petitioner and requesting the father to punish him.

Admittedly, it is a case of suicide and the involvement of the petitioner appears to be a matter of trial. We do not find any custodial interrogation is necessary provided the petitioner cooperates with the investigation and make himself physically present as and when required by the Investigating Officer.

In view of the above, 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, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and on conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further condition that the petitioner shall meet the Investigating Officer on each occasion as may be called for the purpose of investigation and shall not intimidate witnesses or tamper with evidence that may have been found during investigation.

Default without any plausible reason on a solitary occasion to appear before the Investigating Officer may entitle the prosecution to apply for cancellation of the liberty granted in this order and if such approach is made, the concerned Court would decide the same independently without any further reference of this Court.

The application for anticipatory bail being CRM 791 of 2021 is thus **allowed**.

**(Harish Tandon, J.)**

**(Bibek Chaudhuri, J.)**