

17.06.2022.
105.
Ct.No.28
as
(Allowed).

C.R.M. (A) 2734 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with English Bazar P. S. Case No.606 of 2022 dated 18.04.2022 under Sections 306/34 of the Indian Penal Code.

In the matter of : Abir Das & Anr.

... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioners.

Mr. Bidyut Kr. Roy,
Ms. Sima Biswas.

.....for the State.

Heard the learned Advocates appearing for the parties.

Learned Advocate for the petitioner submits petitioner no.1 and the minor victim were in love with one another. In view of their immature age, petitioner no.2 protested. Subsequently victim committed suicide. Ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed in the facts of the case.

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

We have considered the materials on record. We note petitioner no.2 had protested with regard to a love affair between a minor. Subsequently, the minor had committed suicide. Whether conduct of the petitioner would constitute abetment of suicide may be assessed in the course of trial.

However, in the facts of the case, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 and on condition that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)