

03.03.2022

Court No.32

pan / 205

C.R.M. 8065 of 2021

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

And

In re: **Ananta Roy & Others**

- Petitioners.

Mr. Kallol Mondal,

Mr. Asraf Mandal,

Mr. Krishan Roy

... for the Petitioners.

Mr. S. Mahapatra,

Mr. Suman De

... for the State.

Apprehending arrest in connection with Tehatta Police Station Case No.484 of 2021 dated 21.09.2021 under Sections 306/34 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Mondal, learned advocate appearing for the petitioners submits that the petitioners are the neighbours of the victim. They have been falsely implicated. The victim committed suicide on 29th September, 2021. In the said conspectus, custodial interrogation of the petitioners may not be necessary.

Mr. De, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code as well as the contents of the complaint.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that the petitioner no.2 was having an illicit relationship with the wife of the victim and there are

strong incriminating materials against him. In view thereof, his prayer for anticipatory bail is refused.

The petitioner **nos.1 and 3** are the neighbours of the victim. Whether **their** act, *per se*, would constitute abetment of suicide, is a matter to be decided at the appropriate stage of the trial. Considering the nature of allegations as levelled against them and the possible extent of their complicity, we are of the opinion that custodial interrogation of the **petitioner nos.1 and 3** is not necessary and their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner **nos.1 and 3**, namely, **Ananta Roy** and **Bandana Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioner **nos.1 and 3** shall also attend the trial court on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner **nos.1 and 3** fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel **their** bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8065 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)