

13.01.2022

Court No.32
rpan/ 18

C.R.M. 8327 of 2021

[Via video Conferencing]

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

And

In re: **Mobai Sekh**

- Petitioner.

Mr. Kallol Mondal,

Mr. Amanul Islam,

Mr. Sourav Mukherjee

... for the Petitioner.

Ms. Faria Hossain.

Mr. Aniket Mitra,

... for the State.

Apprehending arrest in connection with Nakashipara Police Station Case No.615 of 2021 dated 29.11.2021 under Section 306 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner had been roped in on the basis of mere suspicion and the victim is a married lady and there was no instigation on the part of the petitioner towards commission of suicide. In view thereof, custodial interrogation is not warranted.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the daughter and neighbours of the victim, as recorded under Section 161 of the Code.

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

It appears that there was a matrimonial dispute between the victim and her husband. At the time of alleged incident, the husband was residing separately along with his children. Whether the relationship and act of the petitioner would, *per se*, constitute abetment of suicide, is an issue to be decided at the appropriate stage of the proceeding. Considering the nature of accusations and the extent of complicity of the petitioner, we are of the opinion that custodial interrogation is not necessary. As such, his prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Mobai Sekh** 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, with a further condition that he shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all 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 fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8327 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)