

07.01.2022
Sl. No.6
akd
[ALLOWED]

C. R. M. 9021 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.12.2021 in connection with Panchla Police Station Case No. 341 of 2021 dated 04.10.2021 under Section 306 of the Indian Penal Code. (G.R. Case No.5611 of 2021)

And

In Re: ***Pankaj Sardar @ Bubai***

... .. Petitioner

Mr. Suman De

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that there was an amorous relationship between himself and the deceased. Father of the victim forcibly married her to another person. Out of frustration, she committed suicide.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner used to pester the lady after her marriage and threatened to post objectionable pictures on a social media site. As a result, she committed suicide.

We have considered the materials on record. Admittedly, there was an amorous relationship between the parties. Victim did not leave behind any suicide note. Whether the victim committed suicide due to frustration as argued on behalf of the petitioner or the petitioner had abetted the suicide requires to be considered at the appropriate stage of the proceeding. However, in the facts and circumstances of the case particularly in the absence of any suicide note implicating the petitioner in the alleged crime, we are of the opinion that custodial interrogation of

the accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Pankaj Sardar @ Bubai***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

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

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)