

12.10.2022

Vacation Bench
SL No.30
S.Banerjee/s.biswas
(Allowed)

C.R.M. (A) 4861 of 2022

In Re: - An application for bail under Section 438 of the Code of Criminal Procedure in connection with **Nabadwip** P.S. Case No.**428 of 2022** dated **19.09.2022** under Sections **323/506/306/34** of the Indian Penal Code.

And

In the matter of: **Rahul Samaddar and others**

....Petitioners

Mr. Srajit Basu,
Ms. Oindrila Ghosh

...for the Petitioners

Mr. Pravas Bhattacharya,
Mr. M.F.A. Begg

...for the State

It is submitted on behalf of the petitioners that the victim used to misbehave with the wife of petitioner no.3. As a result, petitioners had told him not to misbehave with her. Subsequently, he committed suicide.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail of the petitioners.

We have considered the materials on record. Whether conduct of the petitioners would constitute abetment to suicide must be assessed in the light of the factual matrix of the case including the aforesaid submission made on their behalf.

Keeping in mind the facts and circumstances 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 ₹10,000/- each, with two sureties of like amount each, to the

satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)