

16.12.2022.
42.
Ct.No.28
as
(Allowed).

**C.R.M. (A) 5780 of 2022
(Assigned Matter)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Shyampukur P. S. Case No.42 of 2022 dated 06.05.2022 under Sections 498A/306/506/34 of the Indian Penal Code.

In the matter of : Buddhadeb Basak @ Budhadev Basak.
... Petitioners.

Mr. Arindam Jana,
Mr. Soumajit Chatterjee.
...for the Petitioners.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta.
.....for the State.

Petitioner is the husband of the victim-housewife. He submits he was residing separately due to matrimonial discord. Electric connection to his wife's residence was disconnected by the electric company. Subsequently, his wife committed suicide. He has been falsely implicated in the instant case. He prays for anticipatory bail.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and produces the Case Diary.

We have considered the materials on record including the suicide note of the deceased. We have also perused the first information report lodged by the Electric Company against the deceased and her mother for illegal pilferage of electricity. Contents of the suicide note states petitioner had

in collusion with others illegally disconnected the electric connection of the deceased. No contemporaneous complaint to that effect was lodged by the deceased at the police station or before the Electric Company. Imputation against the petitioner in suicide note requires to be judged in the light of the aforesaid circumstances.

In this backdrop plea of false implication of the petitioner due to matrimonial discord and grudge cannot be wholly ruled out.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner viz., Buddhadeb Basak @ Budhadev Basak shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further condition that the petitioner shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

