

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

27.02.2023.
142.
as
(Allowed).

C.R.M. (A) 92 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga P. S. Case No.689 of 2022 dated 23.11.2022 under Sections 306/34 of the Indian Penal Code.

In the matter of : Sushil Sarkar & Ors.

... Petitioners.

Mr. Subhasish Misra,
Mr. Swarup Das.

...for the Petitioners.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Kallol Nag.

.....for the State.

Petitioners submit there was a dispute between the parties. A complaint had been filed against the victim. Subsequently, he committed suicide. Petitioner has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. From the statements of witnesses in the aforesaid factual matrix, we note there was an altercation between the parties. Whether conduct of the petitioners would constitute abetment to suicide requires to

be assessed during trial. However, custodial interrogation of the petitioners for progress of investigation 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 Rs.10,000/- each 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 petitioners 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.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)