

03.05.2023
KC (3)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(A) 189 of 2023

In the Matter of : Akash Sarkar

.... petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das.....For the petitioner.

Mr. Nilay Chakraborty,
Mr. Arjun Chowdhury.....For the State.

This is an application for grant of anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973 in connection with Kotwali Police Station Case No. 1342 of 2022 dated 6th December, 2022 under Sections 306/109 of the Indian Penal Code corresponding to G.R. Case No. 2098 of 2022.

The allegation against the petitioner is abetment of suicide.

The alleged suicidal death occurred on 5th December, 2022 of a girl aged 19 years. The incident took place in a girls' hostel. The petitioner is 27 years of age.

It is an admitted position that the petitioner and the victim knew each other for several years. The victim's family did not approve of this association. The allegation against the petitioner is of pursuing the victim by telephone

calls and other means of communication and even blackmailing her.

The parents of the petitioner have been granted bail anticipatory bail by the learned court below on 9th January, 2023. The petitioner's prayer for such bail was refused on the same day by the learned judge.

Learned counsel for the State submits that the petitioner has been absconding.

In our view the whereabouts of the petitioner could easily have been located by the police when his application for anticipatory bail was considered by the learned court below on 9th January, 2023 and also when this application was affirmed on 13th March, 2023. More important is the fact that there was a long association between the petitioner and the victim and that the petitioner was not in proximity of the victim when the occurrence took place, the victim having allegedly committed suicide in a girls' hostel.

Considering all these facts we are minded to grant anticipatory bail to the petitioner but on stringent terms and conditions which are enumerated below:

We direct that in the event of arrest the petitioner shall be released on bail on furnishing security of Rs. 10,000/- (Rupees Ten Thousand) with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioner will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

We impose further conditions that:

- (a) The petitioner shall immediately deposit his passport, if he possesses one, with the investigating officer.
- (b) He shall appear before the investigating officer for interrogation twice a week and as and when summoned.
- (c) He shall not leave the limits of the district Alipurduar without informing the investigating officer of the details of his whereabouts and obtain his permission.
- (d) He shall not tamper with evidence or interfere with the witnesses in any manner.
- (e) The petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail CRM(A) 189 of 2023 is disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

