

03.05.2023
KC (11)

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

C.R.M.(A) 213 of 2023

In the Matter of : Bidhan Barman

.... petitioner.

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

Mr. Kallol Acharjee,
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 Sitalkuchi Police Station Case No. 4 of 2023 dated 5th January, 2023 under Section 306 of the Indian Penal Code.

This is a serious case of the petitioner allegedly abetting suicide of a very young girl of 16 years of age.

The incident took place on 4th January, 2023. On the very next day on 5th January, 2023 an F.I.R. was lodged with the police.

We are shown by learned counsel for the State contemporaneous call records from the mobile phone of the accused which show that numerous calls were made throughout 1st January, 2023 till 4th January, 2023, the date of death.

Since the police did not arrest the petitioner then and there, we do not understand what purpose would be served by arresting the petitioner after around six months. By this time the accused/petitioner had enough time to interfere with witnesses and tamper with evidence.

Therefore, at this stage we do not think custodial interrogation is necessitated.

In such circumstances, we allow this application for anticipatory bail but on stringent 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) He shall immediately deposit his passport, if he has 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 Cooch Behar without informing the

investigating officer and obtaining 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) 213 of 2023 is disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)