

12.12.2023

Sl. No.24

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 995 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.12.2023 in connection with Ghoksadanga Police Station Case No. 526 of 2023 dated 20.10.2023 under Section 306 of the Indian Penal Code.

And

In Re: ***Suman Gope***

... .. Petitioner

Mr. Sudip Guha

... .. for the petitioner

Mr. Nilay Chakraborty

Mr. Ujjwal Luksom

Mr. Subhasish Misra

... .. for the State

1. It is submitted on behalf of the petitioner that there was a love affair between himself and the victim girl. Parents of the victim opposed the romantic relationship. As a result, she committed suicide. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Statements of witnesses relating to ill-treatment and torture upon the victim lady are general and omnibus. Whether the generic allegations of torture would constitute abetment to suicide requires to be assessed at the appropriate stage of the proceeding. Victim did not leave behind any suicide note. Under such circumstances, we are of the opinion custodial interrogation of the

accused/petitioner may not be necessary and he may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Suman Gope**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. He shall appear before the court below and pray for regular bail within four weeks from date.
5. The application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)