

06.02.2024

DL.10

Court No.29

(AD)

(Allowed)

C.R.M. (A) 370 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domjur** Police Station Case No.**832 of 2023** dated **29.11.2023** under Section **306** of the Indian Penal Code. (G.R. Case No.5917 of 2023).

And

In the matter of: **Suman Koley @ Babusona @ Babusona Koley**
....petitioner.

Mr. Mrityunjoy Chatterjee
Mr. Arindam Poali

...for the petitioner.

Mr. Tanmoy Kumar Ghosh, Ld. Sr. Government Advocate
Mr. Sekhar Barman

... for the State.

Victim apparently committed suicide.

Apparently, the victim during the commission of such suicide was on a video call with the petitioner.

Two statements were recorded under Section 164 of the Code of Criminal Procedure where both say that the petitioner alerted the family members of the victim as to the commission of the suicide by the victim.

Petitioner apparently requested the family members of the victim to break upon the door from where the body of the victim was found.

Both the makers of the statements claimed that petitioner was on video call with the victim.

Petitioner was, therefore, not present at the place of occurrence.

As to whether, petitioner abetted in the commission of the suicide, may be decided at the trial.

We grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 370 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)