

12.04.2024
Item No.120
Court No.28
CHC
Allowed

C.R.M. (A) 1280 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Illambazar Station Case No. 47 of 2024 dated 21.02.2024 under Sections 306/34 of the Indian Penal Code, pending before the Learned Chief Judicial Magistrate, Bolpur, Birbhum.

And

In Re : Choton Das Bairagya & anr. petitioners

Mr. Rajendra Banerjee

.....for the petitioners

Mr. Joydip Roy,
Mr. Santanu Deb Roy

....for the State

1. Petitioner no.2 is the wife of the victim and petitioner no.1 is her brother-in-law. It is alleged that petitioner no.2 was tortured at her matrimonial home and took refuge at the residence of petitioner no.1. Subsequently, the victim husband committed suicide. Thereafter, petitioners were falsely implicated in the case. They pray for anticipatory bail.
2. Learned lawyer for the State submits petitioner no.2 had voluntarily withdrawn from the matrimonial home. When the victim husband went to bring her back petitioners had misbehaved with him. As a result he committed suicide.

3. We have considered the materials on record. There was a matrimonial dispute between petitioner no.2 and her husband. Over this issue, there was exchange of words. Thereafter, the husband committed suicide. Whether the conduct of the petitioners would amount to abetment of suicide requires to be decided at the time of trial. However, in the facts of the case, we are of the opinion custodial interrogation is not necessary and petitioners may be granted anticipatory bail.
4. Accordingly, we direct that in the event of arrest the petitioners, namely, Choton Das Bairagya and Indira Das @ Bairagya @ Chumki 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date.
5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

