

23.
Court
No.28

07.10.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2976 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Haringhata** Police Station Case No. **365/2024** dated **08.07.2024** under Sections **85/108/3(5)** of Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Anup Sharma @ Anup Kumar Sharma**

...petitioner.

Mr. Shibaji Kumar Das

...for the petitioner.

Mr. Ranadeb Sengupta

Ms. Mamata Jana

...for State.

Mr. Kusal Kumar Mukherjee

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. Leave is granted to petitioner’s learned Advocate-on-Record to correct the cause title of the bail petition.
2. The petitioner is the husband of the victim lady who allegedly committed suicide. Charge-sheet has been submitted under Section 108 of Bharatiya Nyaya Sanhita, 2023, for aiding and abetting suicide. Photocopy of charge-sheet be kept with the records.
3. The petitioner says that he has no role to play in the suicide of his wife. He was not even present at the residence when the incident took place. He prays for bail.
4. While opposing the prayer for bail learned Advocate for the State draws our attention to the material in the case diary including statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure, 1973, as also

the post mortem report. We find that the cause of death was consumption of poison.

5. Learned Advocate for the *de facto* complainant also opposes the prayer for bail.
6. On an overall assessment of the material on record and the nature of the charge and since investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary. Hence, the prayer for bail is allowed.
7. Accordingly, we direct that the petitioner, namely, **Anup Sharma @ Anup Kumar Sharma** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalyani, Nadia, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
8. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
9. The application for bail being CRM (DB) 2976 of 2024 is accordingly disposed of.

10. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)