

02.01.2024

Serial no. 48

Anticipatory bail

[Allowed]

Dd

CRM (A) 4265 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Monteswar** Police Station Case No. **377** of **2023** dated **09.07.2023** under Section **306** of the Indian Penal Code, 1860. (G.R. Case No. 1515/2023)*

-And-

*In the matter of : **Soumendu Kundu @ Suman**
... .. **Petitioner***

*Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Ms. Trisha Rakshit,
Ms. Rajarshree Tan,
Ms. Aishwarya Datta, Advocates
... .. For the Petitioner*

*Mr. Tanmoy Kr. Ghosh, SGA
Ms. Sonali Bhar, Advocates
... ..For the State*

*Mr. Imran Siddiqui,
Mr. Anirban Ghosh, Advocates
... ..For the de facto complainant*

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. The victim left behind a suicide note. The postmortem report of the victim suggests that, the victim committed suicide. The death occurred at her paternal home.

The suicide note suggests that there was a physical relationship between the petitioner and the victim and that the petitioner refused to marry the victim after entering into physical relationship.

Whether there was any abetment to commit suicide is an issue which may be considered at the trial.

At this stage, we do not find need for custodial interrogation of the petitioner.

In such circumstances, we confirm the interim order granted on October 16, 2023.

Consequently, 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4265 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

