

13.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3896 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baruipur Police Station Case No. 1234 of 2024 dated 01.08.2024 under Sections 85/108/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: Susanta Mondal.

... ... Petitioner

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett

... ... for the petitioner

Ms. Sonali Das,
Mr. Ronit Mukherjee.

... ... for the State

1. Petitioner submits victim had a prior marriage which was suppressed from him. When this came to light he withdrew from her company. After one month victim committed suicide. He prays for anticipatory bail.
2. Learned lawyer for the State submits petitioner subjected the victim to torture. As a consequence, she committed suicide.
3. We have considered the materials on record. In the FIR it is alleged petitioner married the victim three years prior to the incident. Documents annexed to the petition show victim was divorced from her earlier husband in 2023. This probabilises the defence version that dispute arose on the score of subsistence of prior marriage of the victim. In this backdrop, we are of the opinion custodial interrogation for progress of investigation is not necessary.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner viz. Susanta Mondal shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)