

25.11.2024
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Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4027 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dhubulia Police Station Case No. 349 of 2024 dated 02.10.2024 under Sections 108/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Bikash Sarkar.**

... .. Petitioner

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak.

... .. for the petitioner

Mr. Kaushik Biswas,
Mrs. Manasi Roy.

... .. for the State

1. Petitioner submits he is the maternal uncle of the girl with whom the victim had an affair and had married. They had matrimonial dispute. Out of frustration, victim committed suicide. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner is named in the suicide note.

3. We have considered the materials on record. Victim and one Puja had a love affair and were married. It is alleged petitioner had abused the victim and said he should kill himself. It is contended differences cropped up between them and Puja returned to her parental home. Out of depression, victim committed suicide. It is alleged petitioner had abused the victim and told him to commit suicide. We have perused the suicide

note. It is a cryptic one and does not disclose in what manner the petitioner had abetted the suicide. In the FIR it is stated he had abused and told the victim to 'go and commit suicide'. Abuses and/or insinuations made in course of a sudden quarrel by it may not amount to abetment to suicide. This issue requires to be thrashed out in light of attending circumstances during trial. Custodial interrogation of the petitioner for progress of investigation is not necessary. There is no chance of abscondence.

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., **Bikash Sarkar** 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.

7. Diary containing suicide note placed before us be returned.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)