

25.01.2024
Item No.73
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5135 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No.**627** of **2023** dated **25.07.2023** under Sections **306/ 34** of the Indian Penal Code.

And

In the matter of : **Santu Saha**

.....Petitioner.

Mr. Arnab Chatterjee
Ms. Paulomi Bose

....for the Petitioner.

Mr. Tanmoy Kumar Ghosh
Ms. Ratna Ghosh

....for the State.

Petitioner prays for anticipatory bail on the ground of parity with the other co-accused, who was granted such facility by the order dated January 10, 2024 passed in C.R.M.(A) 4901 of 2023.

Learned advocate appearing for the State submits that the petitioner in this case is not standing on the same footing as that of the other co-accused. He refers to the statement recorded under Section 161 of the Code of Criminal Procedure of the car driver.

Apparently, the victim committed suicide.

The car driver recorded his statement under Section 161 of the Code of Criminal Procedure, where he stated that the victim boarded the vehicle along with the petitioner and that they went to different places. He recorded his statement saying that, to the effect that, the petitioner told the victim that,

petitioner would not be in a position to marry the victim and that, if the victim died also, then the petitioner would not be able to do anything about the same.

As to whether, such utterances constitute abetment to commit suicide may be decided at the trial.

In such circumstances, 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 will report before the Investigating Officer once in a month till the conclusion of investigation and on 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.

This application for anticipatory bail is, thus, allowed.

C.R.M.(A) 5135 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

