

05.01.2024

Serial no. 67

Anticipatory bail

[Allowed]

Dd

CRM (A) 8 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Barabani** Police Station Case No. **122** of **2022** dated **11th June, 2022** under Section **306** of the Indian Penal Code, 1860.
(G.R. Case No. 1886/2022)*

-And-

*In the matter of : **Sk. Shayan Akther @ Bittu**
... .. **Petitioner***

*Mr. Kallol Mondal,
Mr. Somopriyo Chowdhury,
Mr. Dipayan Dan, Advocates
... .. For the Petitioner*

*Mr. Tanmoy Kr. Ghosh, SGA
Ms. Baishakhi Chatterjee, Advocates
... ..For the State*

Postmortem report of the deceased suggests that the deceased expired due to suicidal hanging.

There is a suicide note left behind by the deceased stating that he committed suicide since he was being insulted continuously for his failure to repay the loan that he took from the petitioner. A neighbour recorded a statement under Section 161 of the Criminal Procedure Code claiming that the petitioner insulted the victim in public.

Whether these conducts of the petitioner will constitute abetment for commission of the suicide is an issue to be decided at the trial.

Need for custodial interrogation of the petitioner is not felt.

Police filed charge sheet.

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 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) 8 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)