

13.05.2024
Sl. No.49
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 141 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.03.2024 in connection with Falakata Police Station Case No.471 of 2023 dated 20.09.2023 under Sections 406/420/306/506 of the Indian Penal Code.

And

In Re: **Anukul Barman**

... .. Petitioner

Mr. Kalipada Das

... .. for the petitioner

Mr. Nilay Chakraborty .. Id. Addl. Public Prosecutor
Mr. Dhiman Sil

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 160 days. It is further submitted petitioner had not taken money from the deceased. Suicide note appears to be in a different handwriting. Investigation is complete. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits suicide note was sent for opinion from handwriting expert. Expert opinion shows the note is written by the deceased.
3. We have considered the materials on record. It is alleged petitioner took a loan from the deceased but did not repay. As a result she committed suicide. There is nothing on record to show that the petitioner had instigated her to commit suicide. Whether conduct of the petitioner would constitute abetment to suicide requires to be assessed in the facts and circumstances of the case during trial.

Investigation is complete. Offences, even if proved, would not attract mandatory life imprisonment. There is no chance of abscondence.

4. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Anukul Barman**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipurduar subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)