

24.04.2024
SL No.14
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 332 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Coochbehar Sadar Women Police Station Case No.154 of 2023, dated 08.11.2023 under Sections 498A/323/506/34 of the Indian Penal Code.

And

In the matter of : **Subal Barman @ Roy & Ors.**

- Petitioners.

Mr. Subhasish Misra

... For the Petitioners.

Mr. Tapan Bhattacharjee,

Mr. Dhiman Sil

... For the State.

1. It is submitted on behalf of the petitioners that the present accused petitioners being the neighbours of the deceased lady are in no way connected with the alleged crime.
2. While opposing the prayer for anticipatory bail, learned Counsel for the State draws our attention to the dying declaration as recorded by the Executive Magistrate, Coochbehar on 08/11/2023 wherefrom it transpires that the present accused petitioners took active role in instigating the deceased to commit suicide and further

prior to that she was harassed by the present accused petitioners.

3. Considering such serious allegation as against the present accused petitioners, we are not inclined to exercise our discretion under Section 438 of the Cr.P.C.
4. Accordingly, the prayer for anticipatory bail is considered and rejected.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)