

22.08.2024
Court No.1
SL No.14
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 574 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samuktala** P.S. Case No. **154 of 2024** dated **07.06.2024** under Section **306** of the Indian Penal Code.

And

In the matter of: **Subhajit Roy**

....Petitioner.

Mr. Sudip Guha

...for the petitioner.

Mr. Kallol Acharjee,
Ms. Namrata Das

...for the State.

1. The application for anticipatory bail is made on the ground that the victim had killed himself on suspicion that the petitioner had a relationship with Dolon Roy, his girl friend.
2. The learned counsel for the State opposes the prayer for anticipatory bail.
3. The Court sees the dying declaration and the complaint.
4. This Court is of the view that the same cannot by itself constitute an abetment by the petitioner to the suicide of the victim. The State of mind of the victim appears to be rather weak and hyper emotional.

5. Considering the age of the petitioner and the victim, this Court is of the view that likelihood of conviction of the petitioner is remote.
6. In the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.
7. In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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 conditions that the petitioner shall cooperate with the investigation.
8. In the event the petitioner fails to comply with the aforesaid conditions as enshrined hereinabove, the bail of the petitioner shall automatically stand cancelled without any further reference to this Court.
9. The application for anticipatory bail is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)