

22.08.2024
Court No.1
SL No.19
pk/AP

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

CRM(A) 651 of 2024

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure, 1973 in connection with **Bagdogra** P.S. Case No. **129 of 2024** dated **04.04.2024** under Section **306** of the Indian Penal Code.

And

In the matter of: **Abhishek Kumar @ Abhishek Jaiswal**

....Petitioner.

Mr. Dhiraj Lakhotia,
Ms. Radhika Agarwal,
Ms. M. Joshi,
Mr. Khushi Kundu

...for the petitioner.

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil

...for the State.

1. The application for anticipatory bail is made on the ground that there is no causal connection established between the conduct of the petitioner and the suicide of the victim. Admittedly, the petitioner was already married at the relevant point of time and the victim knew the same. Despite whereof victim had physical relations with the petitioner.

2. It is alleged in the complaint made by the victim's father that there was demand for dowry and promise to marry the victim

by the petitioner. FIR was registered under Section 306 of the IPC.

3. Victim is stated to have killed herself after coming to know from a social media post that the petitioner's wife is pregnant.

4. Learned counsel for the State opposes the prayer for anticipatory bail.

5. This Court is of the view that the complaint ex facie appears to be untenable since the victim's father knew that the petitioner was already married and was to have a child.

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.1,000/- 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 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner shall cooperate with the investigation and meet the I.O. as and when required.

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.)