

10.02.2025
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Partly
Allowed

CRM (A) No. 353 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Haringhata Police Station Case No. 261 of 2024 dated 21.05.2024 under Sections 306/34 of the Indian Penal Code.
And

In Re : Nipu Bairagi & Anr. petitioners

Mr. Shibaji Kumar Das
Ms. Deblina De
..... for the petitioners

Mr. Suman De
Mr. Soumya Basu Roy Chowdhury
..... for the State

1. Learned Counsel for the petitioners submits there was a family dispute and the victim committed suicide. Ingredients of offence of abetment to suicide are not disclosed. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record including the suicide note. In the suicide note victim alleged petitioner no. 2 is the grand daughter-in-law of the victim. She had taken a loan of Rs.5,00,000/- from him. She did not return the money. When the victim complained to police he was threatened. Thereafter Rs.1,00,000/- out of Rs.5,00,000/- was returned. At this stage he committed suicide and left behind a

suicide note implicating petitioner no. 2 and her mother, Mamata. Victim is an elderly person. He was under economic distress and petitioner no. 2 and her mother threatened him when he asked for release of his money. Finding no other way he chose the path of self-extermination. Under such circumstances we are of the opinion this is not a fit case to grant anticipatory bail to the petitioner no. 2, Shukla Bairagi.

4. Accordingly, application for anticipatory bail in so far as petitioner no. 2, concerned is, thus, rejected.

5. However, petitioner no. 1, Nipu Bairagi is not implicated in the suicide note by the victim. In view of extent of his complicity in the crime we are inclined to grant anticipatory bail to the petitioner no. 1.

6. Accordingly, we direct that in the event of arrest petitioner no. 1) Nipu Bairagi shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

7. The application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)