

06.03.2025
Sl. No.21
akd
[ALLOWED]

C. R. M. (A) 795 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 27.02.2025 in connection with Chapra Police Station Case No.107 of 2025 dated 01.02.2025 under Section 108 of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Salman Rashid Molla @ Rahul***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Md. Adil Badr
Ms. Mamata Jana

... .. for the State

1. It is submitted on behalf of the petitioner there was a romantic association between himself and the victim. They had planned to marry. Subsequently, the marriage did not fructify. Victim committed suicide. Ingredients of the offence under Section 108 of the Bharatiya Nyaya Sanhita, 2023 are not disclosed. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record including the suicide note. Suicide note and Whatsapp exchanges show an emotional outburst of the victim as the marriage did not fructify between the parties. No doubt the fact that the romance did not blossom into marriage is an unfortunate one. But the act of self-extermination in a fit of emotional outburst may not always attract penal consequences. The court must objectively examine whether act of the petitioner i.e. refusal to marriage was calculated to incite the victim to commit suicide or not.

No such material is evident from the records of the case. Under such circumstances, we are of the opinion his custodial interrogation is not necessary and he may be granted anticipatory bail.

4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Salman Rashid Molla @ Rahul**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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, 2023 and on further condition that the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)