

04.12.2020

Item No. 13

allowed

Crt.11

k.b./b.r.

C.R.M. 8087 of 2020

(via video conference)

In Re:- An application for Anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata P.S. Case No. 179 of 2020 dated 06.06.2020 for alleged offence punishable under Section 306/34 of the Indian Penal Code 1860, corresponding to GR Case No. 193 of 2020.

And

In Re : Nasruma Anam Bibi petitioner

Mr. Hillol Saha Poddar
.....for the petitioner.

Mr. Tapan Bhattacharjee
....for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Mr. Bhattacharjee, learned Advocate, appears for the State.

This is an application for anticipatory bail.

Heard learned Counsel for the petitioner, Mr. Saha Poddar. Mr. Poddar submits that there is no proximate nexus connecting the petitioner with the death of the deceased, her husband, warranting invocation of Sections 306/34 of the IPC against the petitioner.

It is also submitted that the deceased and the petitioner underwent deep marital discord and, at the time of death of the deceased, the petitioner had been residing for a reasonable length at her parental home.

Learned Advocate appearing for the State submits that the deceased bore signs of ante-mortem hanging and his death occurred directly on account of provocation suffered at the hands of the petitioner, his wife and her parents.

Having heard the parties and considering the materials placed, this Court is of the view that the basic sequence of facts, as recorded above do not make out a case for custodial interrogation of the petitioner.

Accordingly, the petitioner deserves the privilege of anticipatory bail.

It is thus directed that in the event of arrest, the petitioner (Nasruma Anam Bibi) will be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail stands accordingly **allowed.**

CRM 8087 of 2020 stands thus **disposed of.**

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)

