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20-05-2021

Court 28

**C.R.M. 1360 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gopalnagar Police Station Case No. 364 of 2020 dated 20.07.2020 under sections 302/34 of the Indian Penal Code and the charge sheet has been submitted under Section 306/34 of the IPC.

Allowed

Smt. Bandana Sarkar
Versus
State of West Bengal

Mr. Arnab Chatterjee, Adv.

...for the petitioner.

Mr. Swapan Banerjee, Adv.

Mr. Suman De, Adv.

...for the State.

It is submitted on behalf of the petitioner that the victim who was the husband of the petitioner, committed suicide upon learning about the illicit relationship between the petitioner and the co-accused.

The learned Counsel for the State opposes the prayer for anticipatory bail.

It appears that the charge-sheet has been submitted in this case under Section 306/34 of the Indian Penal Code. The co-accused is in custody as submitted by the State. Regard being had the extent of complicity of the petitioner in the alleged crime and also having regard to the fact that the charge-sheet has been submitted, we are inclined to hold that custodial interrogation of the petitioner is not required and she may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner namely, Smt. Bandana Sarkar shall be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, 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 is allowed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)