

30.07.2021
Item no.1.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3747 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 20.05.2021 in connection with Nimta Police Station Case No.704 of 2020 Dated 11.11.2020 under Sections 306/34 of the Indian Penal Code

And

In the matter of : Sumana Banerjee nee Biswas & Anr.

.....Petitioners.

Mr. Kaustav Bagchi,
Mr. Debayan Ghosh for the Petitioners.

Mr. S. S. Imam,
Mr. S. Roy for the State.

The petitioners have been charged with offences punishable under Sections 306/34 of the Indian Penal Code.

The prosecution case is that the husband of the petitioner no.1 was tortured, mentally and physically, by the petitioner no.1, his wife and the petitioner no.2 being his wife's mother, which led to the victim committing suicide.

Learned Counsel for the petitioners points out that the husband committed suicide in May, 2020. In June, 2020, the petitioner no.1 lodged a complaint, inter alia, under Section 489A of the Indian Penal Code. In November, 2020, the present complaint has been lodged against the petitioners. This is nothing but a counter blast.

We have heard learned Counsel for the parties. Having considered the material on record, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as the petitioners cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.3747 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)