

03.12.2021
Court No.32
rpan / **151**

C.R.M. 4920 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Debashri Ghosh (Bhandari) & Others**

- Petitioners

Mr. Suman Chakraborty
....for the Petitioners.

Mr. N. P. Agarwala,
Ms. Subhsree Patel
....for the State.

Apprehending arrest in connection with Chandrakona Town Police Station Case No.119 of 2019 dated 15.04.2019 under Sections 306/380/312/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner no.1 married one Rajkumar Bhandari on 30th June, 2016. The husband of the petitioner no.1 committed suicide in the month of April, 2019. The petitioner no.2 is the father of the petitioner no.1, the petitioner no.3 is the brother of the petitioner no.1 and the petitioner no.4 is the wife of the petitioner no.3. The allegations are omnibus in nature and no overt act has been attributed. There is no material to establish that the petitioners have abetted the deceased to commit suicide and there is also no possibility that they would flee from justice. In the said conspectus, custodial interrogation is not necessary.

Ms. Patel, learned advocate appearing for the State, however, opposes the petitioners' prayer and draws our attention to several documents in the case diary.

We have heard the learned advocates and considered the materials in the case diary.

Whether the matrimonial dispute would *per se* constitute abetment of suicide, is a matter to be decided at the appropriate stage of the proceeding. Considering the nature of allegations and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **1. Debashri Ghosh (Bhandari), 2. Shibaprasad Ghosh, 3. Dipankar Ghosh and 4. Sabita Santra (Ghosh)**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is made clear that the petitioners shall cooperate with investigation and meet with the investigating officer as and when called for. They shall also attend the learned Court below on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses.

In the event they fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be

at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 4920 of 2021, is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)