

18. 15.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 5638 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **26/08/2021** in connection with **Shibpur Police Station Case No. 207/2021** dated **12/07/2021** under Sections **498A/306/304B/34** of the Indian Penal Code.

And

In the matter of: - **Kamala Devi Ram**

...petitioner.

Mr. Kallol Mondal,
Mr. Soumya Basu Roy Chowdhuri

...for the petitioner.

Mr. Goutam Wilson

...for the State.

The petitioner is the mother-in-law of the victim. The charge is of torture and aiding and abetting suicide of the victim.

The petitioner says that she has not tortured the victim lady in any manner. She has been falsely implicated. The victim consumed sleeping pills. She was taken to the hospital. She survived for seven days thereafter and committed suicide in her parental house.

We have seen the statement of the victim's mother and brother recorded under Section 164 of the Code of Criminal Procedure. The statement does not clearly implicate the petitioner in the sense that *prima facie* the petitioner does not appear to be responsible for the suicide committed by the victim lady. The prime accused, i.e., the husband of the victim, is in custody.

On an overall assessment of the facts and circumstances of the case and the material on record, although charge-sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as she co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Kamala Devi Ram** shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

In case the petitioner fails 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 being C.R.M. 5638 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)