

17.12.2021
Court No.32
Item No. 272
Krishnendu
Allowed (SM,J)

**C.R.M. 7396 of 2021
(Via Video Conference)**

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

In re: **Suparna Sarkar @ Mondal**

Petitioner

Ms. Sananda Bhattacharyya

For the Petitioner

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

For the State

Apprehending arrest in connection Santipur Police
Station Case No. 494 of 2021 dated 15.07.2021 under
sections 306/34 of the Indian Penal Code the instant
application for anticipatory bail is filed by the present
petitioner.

Learned lawyer for the petitioner, Ms. Sananda
Bhattacharyya, submitted that it is not, frankly speaking,
a case of abetment. Institution of suit against the in-laws,
under no circumstances, constitutes an abetment to
commit suicide. It is further submitted that in the given
situation, custodial detention of the present petitioner,
who is the daughter-in-law of the victim, is not
warranted. She further submitted that there is no chance
that the petitioner will flee from justice. Accordingly,
anticipatory bail is prayed for on her behalf.

Per contra, learned lawyer representing the State, Mr. Sanjib Kumar Dan, submitted that a suicidal note, left by the victim, strongly implicated the present petitioner, who is the daughter-in-law of the victim, along with other accused persons. There are strong incriminating elements against the present petitioner and the allegation is very grave and serious which does not warrant allowing anticipatory bail.

We have heard rival submissions and perused the case diary. Charge sheet in this case has been filed. So, investigation is closed. A suicidal note, left by the victim, implicates the present petitioner to the alleged crime namely abetment for suicide. Whether the alleged act would constitute abetment or not is the matter to be decided at the time of trial. At this stage, while hearing anticipatory bail application, we cannot jump into any conclusion in this regard. However, we are of the view that the petitioner is a lady; custodial detention is not necessary, as investigation is complete and there is least likelihood that the petitioner would flee from justice.

Considering the nature of allegations and incriminating materials, we are of considered opinion that anticipatory bail may be allowed to the present petitioner.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Suparna Sarkar @ Mondal**, shall be released on bail upon furnishing two registered sureties of

Rs.10,000/- each, to the satisfaction of the Arresting Officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall attend the learned court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel her bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 7396 of 2021, is 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)