

**04.02.2022**

Court No.32  
rpan / **17**

**C.R.M. (A) 109 of 2022**

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

And

In re: **Gita Rani Mondal @ Ghosh**  
- Petitioner.

Ms. Minoti Gomes,  
Mr. Jisan Iqbal Hossain  
... for the Petitioner.

Mr. Bidyut Kumar Roy,  
Ms. Rita Datta  
... for the State.

Apprehending arrest in connection with Kandi Police  
Station Case No.536 of 2021 dated 09.10.2021 under Sections  
498A/306 of the Indian Penal Code, the petitioner has filed the  
present application.

Ms. Gomes, learned advocate appearing for the  
petitioner submits that the petitioner is the aged mother-in-law  
of the victim lady, who committed suicide about 19 years of her  
marriage. The petitioner herein has been falsely implicated and  
no specific overt act has been attributed to her. Upon  
completion of investigation charge sheet has also been  
submitted and as such, custodial interrogation may not be  
necessary.

Mr. Roy, learned advocate appearing for the State  
opposes the petitioner's prayer and draws our attention to the  
statements of the witnesses as recorded under Section 161 of  
the Code and the post-mortem report. Answering our query, he  
submits that no statement of any witness under Section 164 of  
the Code was recorded.

Heard the learned advocates and considered the materials in the case diary.

Whether the acts of the petitioner, *per se*, would constitute abetment of suicide is an issue to be decided at the appropriate stage of the trial. She is an aged lady and there is also no possibility that she would flee from justice. Upon completion of investigation charge sheet has also been submitted and in the said conspectus, we are of the opinion that custodial interrogation of the petitioner is not necessary. In view thereof, her prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Gita Rani Mondal @ Ghosh** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

The application for anticipatory bail, being CRM (A) 109 of 2022 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.)**