

CRM(A) No.111 of 2022

Via video conference

04.02.22

(S.R.)

Sl.18

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Burwan** Police Station Case No.212 of 2021 dated 03/08/2021 under Sections 406/420/306/34 of the Indian Penal Code (G.R. Case No.1165 of 2021);

And

In re: Mala Das @ Mala Bayen

... petitioner.

Ms. Minoti Gomes

... for the petitioner.

Mr. S.S. Imam

Mr. S. Kundu

... for the State.

Ms. Gomes, learned lawyer for the petitioner submitted that the victim and the present petitioner had a love affair. Because of misunderstanding, the present petitioner tried to commit suicide but subsequently on being refused of marriage the victim committed suicide. According to Ms. Gomes, no incriminating elements are there against the present petitioner and whole incident is very sad and tragic love story. None can be blamed for this. However, in the instant case, custodial detention for interrogation of the present petitioner is not necessary warranting arrest. Accordingly, anticipatory bail is prayed for, more so when charge sheet has been filed.

Per contra, Mr. Imam, learned lawyer for the State submitted that there are incriminating elements against the present petitioner and allegation is very grave and serious for which anticipatory bail should not be allowed.

We have heard rival submissions and perused the case diary.

We are unable to find any strong incriminating element against the present petitioner, which would have led the victim to commitment of suicide and we are unable to find any strong incriminating element

showing complicity of the present petitioner in the alleged offence. Accordingly, we are inclined to allow anticipatory bail to the present petitioner.

Accordingly, we direct that in the event of arrest the petitioner will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall.

It is made clear that 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.

The application for anticipatory bail being CRM(A) No.111 of 2022 is, accordingly, 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.)