

01.02.2022

Court No.32
rpan/28

C.R.M. (A) 112 of 2022

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

And

In re: **Dipti Halder Ray**

- Petitioner

Mr. Bitasok Banerjee

... for the Petitioner.

Mr. Arijit Ganguly,

Mr. Avik Ghatak

... for the State.

Apprehending arrest in connection with Hanskhali Police Station Case No.652 of 2021 dated 16.09.2021 under Sections 306/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner is the mother of one Rima Halder, who is minor. The victim had a love relationship with Rima Halder and wanted to marry her. But such marriage was not solemnized, since she was a minor. In the backdrop of said facts, the victim committed suicide. The petitioner has not in any manner instigated the victim. In view thereof, the ingredients of Section 306 of the Indian Penal Code, 1860 are not attracted against the petitioner and she may be granted anticipatory bail.

Mr. Ghatak, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and other materials in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. Whether the acts of the petitioner would, *per se*, constitute abetment of suicide is an issue to be decided at the appropriate stage of the proceedings. Considering the nature of accusations and the extent of complicity of the petitioner, we are of the opinion that custodial interrogation is not necessary. As such, the petitioner's prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner, namely, **Dipti Halder Ray** shall be released on bail upon furnishing a bond of Rs.10,000/- with **two registered** 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) 112 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.)