

CRM 8195 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Soma Ghosh**

..... petitioner

Mr. Arnab Chatterjee

.....For the petitioner

Mr. Debabrata Chatterjee
Ms. Manashi Roy

.....For the State

Apprehending arrest in connection with Shasan Women Police Station Case No. 302 of 2021 dated 29th October, 2021 under Section 306 of the Indian Penal Code, the present application has been preferred.

Mr. Arnab Chatterjee, learned advocate appearing for the petitioner submits that the petitioner, who is the wife of the victim, has been falsely implicated in an incident which occurred about 12 years after the marriage. The allegations are absolutely unfounded. The complaint has been lodged about 19 days after the alleged incident and there is no explanation towards such delay. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Debabrata Chatterjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code and also the post mortem report. He further submits that there are strong incriminating

materials on record and as such, the petitioner is not entitled to the relief, as prayed for.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we do not find any proximate nexus between the death of the victim and the acts alleged against the petitioner. Whether the petitioner's act would, *per se*, constitute abetment of suicide is a matter to be decided at the appropriate stage of the trial. The petitioner is a housewife and *prima facie* there is also no possibility that she would flee from justice.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Soma Ghosh** 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 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 not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

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 his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8195 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)