

21.01.2022
Item no. 23
Court No.32
Dd

CRM 8722 of 2021 (Through Video Conferencing)

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

And

In Re : Namita Saha & Ors.

.... petitioners

Ms. Sananda Bhattacharyya,
....for the petitioners

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Partha Pratim Das,
Ms. Manasi Roy,
..... for the State

Apprehending arrest in connection with Hanskhali Police Station Case No. 158 dated 2021 dated 13.03.2021 under Sections 306/34 of the Indian Penal Code, 1860, the present application has been preferred.

Ms. Bhattacharyya, learned advocate appearing for the petitioners submits that there is no nexus of the petitioners with the alleged offence. The petitioners are the family members of one Moushumi who committed suicide in the month of January, 2021. The son of the de facto complainant, namely, Souvik Biswas committed suicide thereafter on 10th March, 2021. Upon completion of investigation chargesheet has already been submitted and as such custodial interrogation is not warranted.

Ms. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws the attention to the statements of the witnesses as recorded under Section 161 of the Code.

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 link of the alleged offence with the petitioners herein. Whether the alleged acts of the petitioners would, per se, constitute abetment of suicide is an issue to be decided at the appropriate stage of the trial.

Since upon completion of investigation chargesheet has already been submitted, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Namita Saha, Dipa Saha, Iti Saha** and **Sabita Saha** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being CRM 8722 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.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)