

25.02.2022

Court No.32
rpan/ **06**

C.R.M. 8984 of 2021

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

And

In re: **Rina Dutta & Another**

- Petitioners.

Mr. Monish Sen,
Ms. Oisani Mukherjee
... for the Petitioners.

Mr. Swapan Banerjee,
Ms. Sima Biswas
... for the State.

Apprehending arrest in connection with New Township Police
Station Case No.93 dated 30.07.2020 under Sections 302/120B of
the Indian Penal Code, 1860, the petitioners have filed the present
application.

Mr. Sen, learned advocate appearing for the petitioners
submits that the petitioners have been falsely implicated. The
allegations levelled against them are unfounded. The victim was a
drunkard and availed loan amount from various persons. As he
could not repay the same, he committed suicide. The petitioner
no.2 is the wife of the victim, who subsequently came to learn that
the victim had earlier married the *de facto* complainant. In the said
conspectus and as the petitioners have no involvement in the
alleged offence, they may be granted anticipatory bail, more so
when, upon completion of investigation, charge sheet has been
submitted.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as well as the post-mortem report.

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

Prima facie, from the statements made by the independent witnesses under Section 161 of the Code, it appears that the victim availed loan from various persons and committed suicide in an intoxicated condition. Such factum of suicide also stands corroborated by the post-mortem report. Considering the nature of accusations, we are of the opinion that custodial interrogation of the petitioners is not necessary, more so when, upon completion of investigation, charge sheet has already been submitted. Both the petitioners are female family members and *prima facie* there is also no possibility that they would flee from justice or delay the trial by abscondence. As such, their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Rina Dutta** and **Suman Verma** shall be released on bail upon furnishing a bond of Rs.10,000/- **each** 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 petitioners 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 petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel **their** bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8984 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)