

22.
10-01-2022
(ct. no.01)
debajyoti

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 27 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No.438 of 2020 dated 07-10-2020 under Sections 306/34 of the Indian Penal Code.

- A n d -

In the matter of : Smt. Lopa Saha Bhadra & Ors.

.... Petitioners.

Mr. Arnab Saha

... For the Petitioners.

Mr. Arun Kumar Sarkar,
Mr. Tapan Bhattacharjee

... For the State.

The petitioner no.1 is the daughter-in-law and the petitioner nos.2 and 3 are the parents of the daughter-in-law of the victim lady, who is said to have committed suicide. The charge is of abetment to commit suicide. The son of the victim lady is the defacto complainant.

The allegation is that the petitioners exerted pressure on and meted out torture to the victim to part with a portion of her property in their favour. Further, the petitioners posted derogatory remarks about the victim in social platform. All this created tremendous pressure on the mind of the victim who took her own life as a result.

The State vehemently opposes the prayer for anticipatory bail of the petitioners and says that investigation is yet to be completed. The petitioners are required to be interrogated.

We have seen the material in the Case Diary. On an overall assessment of the evidence on record and the nature of the allegations, we are of the view that immediate custodial interrogation of the petitioners may not be necessary, so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Smt. Lopa Saha Bhadra**, **Smt. Mousumi Saha** and **Sri Raghunath Saha**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioner no.3 shall meet the Investigating Officer once in every fortnight until further orders. The petitioners shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application for anticipatory bail being CRM(A) 27 of 2022 is, thus, **allowed**.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)