

06.04.2023

25
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1474 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangajal Ghati** Police Station Case No. **17** of **2023** dated **09.02.2023** under Sections **306/34** of the Indian Penal Code, 1860.

And

In the matter of : Soma Roy alias Mukherjee

..... petitioner

Mr. Malay Bhattacharyya,
Mr. Subhrajyoti Ghosh
....for the petitioner

Mr. Prasun Kumar Datta, Ld. A.P.P.
Mr. S. D. Roy
....for the State

Mr. Aniket Mitra,
Mr. Partha Sarathi Roy
...for the de facto complainant

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, petitioner was living separately for about a year. The husband committed suicide.

State and the de facto complainant are represented.

Learned advocate appearing for the State draws attention of the Court to the Post Mortem Report and statement recorded under Section 161 of the Criminal Procedure Code.

The Post Mortem Report states that the death was due to ante mortem hanging. In the injury column it notes that there

was obliquely placed high mark non ligature mark. Apparently, husband committed suicide.

Learned advocate appearing for the de facto complainant relies upon certain photographs of the body of the victim.

Apparently, the victim wrote on his body that the petitioner was responsible for the death.

As noted above, the petitioner apparently was not residing with the victim at the material point of time.

The petitioner is the wife of the victim.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall cooperate with the Investigating Officer till the conclusion of investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)