

28.08.2023

ML. 538
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3359 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Phoolbagan** Police Station Case No. **128** of **2023** dated **24.07.2023** under Section **306** IPC.

And

In the matter of: **Lata Das @ Lata Mondal**

....petitioner.

Ms. Minoti Gomes

...for the petitioner.

Mr. Bidyut Kr. Roy
Ms. Puspita Saha

...for the State.

Mr. Avik Ghatak
Mr. Soumya Nag
Mr. A. Rakshit

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The present petitioner is the beloved of the deceased who married elsewhere about six years back. Even after marriage, the present petitioner is alleged to have kept relationship with the deceased.
3. From the police papers, we do not find any proximate relationship between the act of the petitioner and the commission of suicide by the deceased. As such, we do not find that the ingredients of Section 107 IPC are satisfied at least *prima facie*.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on

such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 3359 of 2023** is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

