

29.08.2023

SL. 45

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3421 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Garfa** Police Station Case No. **191** of **2022** dated **01.09.2022** under Sections **306/34** IPC (corresponding to G. R. Case No. 3793 of 2022).

And

In the matter of: **Rupa Das**

....petitioner.

Mr. Sabir Ahmed
Ms. Suman Biswas

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP
Mr. Santanu Chatterjee

...for the State.

1. Heard learned Counsel for the parties.
2. In a cryptic suicidal note, the deceased has named the present petitioner and has alleged that he had been tortured since long by the petitioner and others.
3. Learned Counsel for the petitioner submits that the deceased had alleged relationship with her daughter, who lives elsewhere and at no point of time the petitioner has physically and mentally tortured the deceased though she knows him.
4. From the statement of the witness as recorded under Section 161 Cr.P.C., we do not find any element to attract the provision of Section 107 IPC as against the petitioner at least *prima facie*.
5. 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 her

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.

6. 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.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3421 of 2023** is disposed of.
9. 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.)

