

04.10.2023
SL. 15
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3599 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **New Market** Police Station Case No. **10 of 2023** dated **17.01.2023** under Section **306** of the IPC.

And

In the matter of: **Madhavi Mahesh Kalra**

....petitioner.

Mr. Sabyasachi Banerjee
Mr. Nigan Ashish Chakraborty
Mr. Agniva Banerjee
Mr. Mrinal Palana

...for the petitioner.

Mr. Rudradipta Nandy, APP
Ms. Sonali Das
Mr. Subrata Roy

...for the State.

1. Heard learned Counsel for both the parties.
2. Admittedly the deceased, who is the husband of the present petitioner committed suicide by jumping before the metro train in Park Street station. Such fact finds corroboration from the postmortem report. The materials collected during investigation speaks of the action and conduct of the petitioner with the deceased in course of their conjugal life. It is submitted that the petitioner used to harass the deceased and the deceased was a very sensitive person. There are further materials to show that when the deceased was in the death bed the informant, who is the brother of the deceased texted a message to the petitioner to come even for once to meet the deceased but she blocked the number of the informant.
3. Be that as it may, about one year prior to the alleged incident of commission of suicide by the deceased, the petitioner and the deceased were living separately.

4. From the materials on record, we do not find any proximate relationship between the action of the petitioner and commission of suicide by the deceased at least *prima facie* though the petitioner being the wife should have been alive to the sensitive nature of her husband, over which she (wife), however, had no control, nor she had contributed towards development of such a nature in her husband.
5. Regard being had to such facts and submissions, 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 by the Arresting Officer in the event of her arrest 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 concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
8. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM (A) 3599 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

