

03.10.2023

SL. 25

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3956 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pursuah** Police Station Case No. **165** of **2023** dated **21.07.2023** under Sections **498A/304B** IPC read with Section **4** of the D.P. Act (corresponding to G.R. Case No. 1079 of 2023).

And

In the matter of: **Aliya Khatun**

....petitioner.

Mr. Siddhartha Sarkar

Mr. Hirak Roy

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP

Mr. Santanu Chatterjee

Ms. Mausumi Sarkar

...for the State.

1. Heard learned Counsel for the parties.
2. The present petitioner is stated to be the sister of the husband of the deceased who admittedly has committed suicide after five years of her marriage.
3. From the statement of the witnesses recorded under Sections 161 and 164 Cr.P.C. and also a suicidal note of the deceased written in a diary, it is found that the present petitioner was torturing her occasionally and she was asking her to quit the house.
4. We, however, do not find any proximate relationship between such action of the petitioner with the commission of suicide by the deceased. Further the petitioner being an unmarried lady, we do not want that she should be subjected to custody especially, when the investigation has progressed substantially.

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. Within 21 days from today, petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 3956 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.)

