

06.10.2023
D/L 24
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4080 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Khanakul P. S. Case No.612 of 2023 dated 02.09.2023 under Sections 498A/304(B) of the Indian Penal Code (G.R. Case No.1330 of 2023).

In the matter of : Jamuna Adhikary @ Yamuna
... Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Sampurna Chatterjee,
Mr. Sourov Mondal,
Ms. Labani Sikder

... for the petitioner

Mr. Saswata Gopal Mukherji, Id. PP
Mr. Aniket Mitra,
Ms. Jonaki Saha

... for the State

1. Heard learned counsel for the parties.
2. There was no social marriage between the victim deceased and son of the present petitioner. The present petitioner is the alleged mother-in-law of the deceased. The deceased had a seven years old daughter. The said daughter is alleged to have been fathered by the son of the present petitioner. Four months prior to the occurrence, the deceased had come to live in the house of the petitioner. By that time, divorce proceeding had already been initiated between the son of the petitioner and the deceased.

3. It is alleged that the deceased did the death of her daughter first by hanging her and thereafter she committed suicide. The prosecution, however, is confused to the extent that both the deceased committed suicide on the basis of the statements of the witnesses. But such a thing cannot happen. A seven years old girl can neither have the tendency, mind set and capacity to commit suicide by hanging. From the surrounding circumstances, we are, therefore, convinced that the deceased first hung her daughter and thereafter committed suicide.
4. From the statements of the witnesses, it is found that there are some allegations against the present petitioner to the effect that she was telling the deceased that she (petitioner) would be happy if the deceased die. Such statements of the witnesses are, however, not sufficient to satisfy the ingredients of Section 107 IPC at least, *prima facie*.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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 G.R. Case No.1330 of 2023 arising out of aforesaid P.S. case on such terms and conditions as

deemed just and proper in the facts and circumstances of the case including the condition:

i) The petitioner being a lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.

6. Accordingly, the prayer for the anticipatory bail is allowed.

7. 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.

8. The applications being CRM(A) 4080 of 2023 is disposed of.

9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)