

29.11.2023

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[ALLOWED]

C. R. M. (A) 5077 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Naihati Police Station Case No. 304 of 2023 dated 07.10.2023 under Sections 306/34 of the Indian Penal Code.

In Re: ***Poulomi Mitra & Ors.***

... ... Petitioners

Mr. Debasis Kar.

... ... for the petitioners

Mr. Siladitya Banerjee.

... ... for the State

Mr. Uday Sankar Chattopadhyay,

Ms. Snigdha Saha.

...for the de-facto complainant.

1. Petitioner No.1 is the wife of the victim. It is contended she and her family members have been falsely implicated by the parents of the victim. There is delay in lodging the First Information Report. They pray for anticipatory bail.

2. Learned Advocate for the State opposes the bail prayer.

3. Learned Advocate for the de-facto complainant submits petitioner No.1 had illicit relationship with another person. She grabbed properties from her husband and instigated him to commit suicide.

4. We have considered the materials on record. Relationship between the couple was not happy. As a result, the victim who is the husband of petitioner no.1 committed suicide. He did not leave behind any suicide note. Other petitioners are the relatives and/or associates of petitioner No.1. Whether the conduct of the

petitioners would constitute abetment to suicide requires to be assessed during trial.

5. In view of the nature of accusation, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

6. Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and they shall appear before the court below and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)