

28.02.2023

Sl. No.36
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 143 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.02.2023 in connection with Ghoksadanga Police Station Case No. 366 of 2022 dated 28.04.2022 under Sections 498A/302/34 of the Indian Penal Code and subsequently, charge sheet submitted under Section 306 of the Indian Penal Code.

And

In Re: ***Rina Sarkar***

... .. Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Sourav Ganguly

... .. for the State

It is submitted on behalf of the petitioner that she is the aunt-in-law of the victim-housewife. Victim-housewife committed suicide 12 years after marriage.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits husband of the victim had pressurized her to give divorce. Petitioner and other in-laws abetted and assaulted her.

We have considered the materials on record. Petitioner is not the husband of the victim-housewife. Allegation of assault is not corroborated by the injuries noted in the post-mortem report. Statutory presumption under Section 113A of the Evidence Act is not attracted. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary and she may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Rina Sarkar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)