

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

28.02.2023.
47.
as
(Allowed).

C.R.M. (A) 156 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mal P. S. Case No.329 of 2018 dated 21.08.2018 under Section 306 of the Indian Penal Code.

In the matter of : Binati Oraon @ Binoti Oraon.
... Petitioner.

Ms. Druti Roy.
...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Tapan Bhattacharjee.
.....for the State.

It is submitted on behalf of the petitioner that the ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed. Petitioner is an illiterate lady and did not have instruction to seek legal redress. Hence, there is delay in approaching this Court for relief.

Learned Advocate for the State opposes the prayer for anticipatory bail. He submits petitioner had absconded for four years.

We have considered the materials on record. It is alleged petitioner had abused the victim alleging she had illicit relation with her husband. Whether such conduct would constitute abetment to suicide requires to be assessed

during trial. Petitioner is a lady coming from a marginalized section of society. There is no chance of her evading trial. Investigation is complete.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner viz., Binati Oraon @ Binoti Oraon shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and 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 trial court and pray for regular bail within a period of four weeks from date.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)