

04.07.2023
Item no.51.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 480 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tufanganj Police Station Case No.834 of 2022 Dated 02.10.2022 under Section 306 of the Indian Penal Code.

And

In the matter of: Sonali Sil @ Sonali Shil.

.....Petitioner.

Ms. Suman Sehanabis (Mondal),
Mr. Salok Sah,for the Petitioner.

Mr. Ujjwal Luksom,
Mr. Dhiman Sil,
.....for the State.

Heard learned advocate for the petitioner and learned advocate for the State at length.

It is contended on behalf of the petitioner that the present accused petitioner has got no role in the alleged suicide of her husband. It is further submitted that she has been falsely implicated by her in-laws.

It is further submitted on behalf of the petitioner that being tortured by her in-laws, she was compelled to lodge an FIR with the Superintendent of Police, Cooch Behar on October 1, 2022 just before the death of her husband. As a counter blast the present complaint was made against the petitioner.

While opposing the prayer for anticipatory bail, the learned advocate for the State draws attention of this Court to the various statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

On perusal of the entire materials as placed before us, we find that admittedly almost all the witnesses have categorically mentioned the role of the present accused petitioner in the alleged crime.

However, considering the fact that in a matrimonial dispute the chance of false implication cannot be ruled out, we are inclined to take a lenient view in this regard.

Accordingly the prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest, the petitioner, namely, **Sonali Sil @ Sonali Shil** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 480 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)