

15.04.2024
Item No.61
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1311 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nimta** Police Station Case No. **76 of 2024** dated **27.03.2024** under Section **306** read with Section **34** of the Indian Penal Code, 1860, pending before the Learned Additional Chief Judicial Magistrate at Barrackpore. (G.R. Case No.2160 of 2024)

And

In Re : Ity Das & Ors.

..... petitioners

Mr. Shambhunath Ray
Ms. Tuhina Parvin
Ms. Amrita Tewari
Ms. Sania Das
Ms. Munmun Das

.....for the petitioners

Ms. Sreyashee Biswas

....for the State

1. Petitioners submit petitioner no.1 is the wife of the deceased. Petitioner nos.2 and 3 are the mother-in-law and brother-in-law of the deceased respectively. Petitioner no.1 was married to the deceased in 2013. A daughter was born to the couple. Husband of petitioner no.1 became alcoholic and out of depression committed suicide. They pray for anticipatory bail.
2. Learned Lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Petitioner no.1 and the deceased had married in 2013. A daughter was born from the wedlock. It is alleged that petitioner no.1 had a lesbian relationship with another lady. This compelled her husband to commit suicide. However,

petitioners contend that the deceased was an alcoholic and committed suicide due to depression.

4. In view of the divergent views with regard to cause of suicide and since, there is no direct evidence in the form of a suicide note implicating the petitioners, we are inclined to grant anticipatory bail to the petitioners.
5. Accordingly, we direct that in the event of arrest the petitioners shall 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that they shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
6. The prayer for anticipatory bail of the petitioners is allowed.
7. **C.R.M. (A) No. 1311 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)