

16.08.2024

Court No.29

Item No. 45

Allowed

ar

CRM (A) 2834 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tapan Police Station Case No. 197 of 2024 dated 28.04.2024 corresponding to G.R Case No. 751 of 2024 under Sections 306/34 of the Indian Penal Code.

And

In Re: **Sathi Yadab @ Suiti @ Swati Yadav & Anr.**

Petitioners

Mr. Kaushik Chowdhury

Ms. Busra Khatun

For the Petitioners

Mr. Soumik Ganguly

Mr. Subhasish Datta

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the FIR and hand-written note alleged to be handwriting of the de-facto complainant and submits that son of the de-facto complainant committed suicide as the wife has extra marital relationship and refused to co-habit with the husband of the petitioner no. 1.
3. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the statement in the alleged suicide note has been seized at the time of trial and further it appears that the husband of the petitioner no. 1 went to depression due to alleged illtreatment in the house of the petitioner no. 2, three months prior to committed suicide, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sathi Yadab @ Suiti @ Swati Yadav, Swapna Yadav @ Swapna Devi Yadav** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur, within two weeks from date in connection with G.R Case No. 751 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)