

20.11.2024
28
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4006 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gangarampur Police Station Case No. 537 of 2024 dated 08.10.2024 under Sections 108/351(2)/3(5) of the Bharatiya Nyaya Sanhita (G.R. Case No. 1181/2024).

And

In Re: **Soma Sarkar and Anr.**

... .. Petitioners

Mr. Mazahar Hossain Chowdhury,
Ms. Chandrima Debnath.

... .. for the petitioners

Mr. Suman De,
Ms. Madhumita Basak.

... .. for the State

1. Petitioners contend petitioner no. 1 was the second wife of the deceased. Petitioner no. 2 is her mother. Petitioner no. 1 was subjected to torture and instituted a criminal case against the deceased alleging cruelty. Subsequently, he committed suicide and they have been falsely implicated. 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. Statements of witnesses show petitioner no. 1 had lodged case against her husband and in-laws alleging cruelty. One of the in-laws was arrested. Over this issue her husband became depressed and committed suicide. No suicide note has been left behind. Whether ingredients of abetment to suicide are disclosed in the

aforesaid factual matrix require to be assessed at the appropriate stage of the proceeding. .

4. In such view of the matter, we are of the opinion custodial interrogation of the petitioners are not necessary and they may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the petitioners viz., **(1) Soma Sarkar** and **(2) Gita Rani Sarkar** 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 also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)