

05.02.2024

420
Ct. No. 29
gd/ssd

C.R.M.(A) 5497 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patashpur** Police Station Case No. **546 of 2023** dated **22.10.2023** under Sections **306/34** of the Indian penal Code.

And

In Re: Sumita Das @ Susmita Das & Others.

..... petitioners

Mr. Maloy Bhattacharya

Mr. Pradip Paul

Mr. Subhrajyoti Gosh

Ms. Renesa Dey

....for the petitioners

Ms. Anasuya Sinhja

Ms. Baisali Basu

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that there is a long standing dispute with regard to a boundary wall. The victim committed suicide. The alleged altercation took place one day prior to the date of the victim committing suicide.

Learned advocate appearing for the State draws our attention to the materials in the case diary. She submits that, the son of the victim recorded her statement under Section 164 of the Criminal Procedure Code and that narration of even by the son stood corroborated by statement of neighbours. She also draws the attention of the court to the inquest report.

We perused the postmortem report of the victim.

Victim apparently died due to consumption of poisonous substance.

Son of the victim recorded a statement under Section 164 of the Criminal Procedure Code where he alludes to a long standing dispute between the victim and her family as also the petitioners. He stated that, the petitioners used to assault the victim occasionally with regard to such disputes as his father was not in station. He stated that prior to the fateful day, there was an incident of altercation and assault where, the petitioners assaulted the victim, and thereafter, the victim took poison.

The incidents of assault that the son of the victim spoke about stood corroborated by statements recorded by neighbours.

Apparently, the petitioners used to assault the victim occasionally.

In view of the materials in the case diary, we do not deem it appropriate to enlarge any of the petitioners on anticipatory bail.

This application for anticipatory bail is, thus, rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)