

20.06.2024
Sl. No.10(DL)
srm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

W.P.A. No. 1225 of 2024

Fulti Barman

Versus

The State of West Bengal & Ors.

Mr. Hillol Saha Podder,
Ms. Mousumi Das

...for the Petitioner.

Mr. Subir Kumar Saha, Id. AGP
Ms. Bedashruti Bose

...for the State-respondents.

1. Despite service, none appears on behalf of the respondent no.5. Affidavit of service is taken on record.
2. The petitioner alleges inaction on the part of the Officer-in-Charge, Sitalkuchi Police Station. It is contended that on the complaint of the petitioner, an FIR was registered, but the matter did not progress.
3. The police authorities filed a report. It appears that on March 27, 2024, an information was received from one Bishnu Barman, that his niece had committed suicide by hanging herself at her residence. An UD case was started. The police officer, in-charge of such investigation,

prepared an inquest of the deceased and forwarded the body to the Autopsy Surgeon, Mathabhanga SD Hospital for the *post mortem* examination. The *post mortem* examination was received which indicated that the death was suicidal. No external injuries or application of force could be detected.

4. On April 7, 2024, the petitioner filed a written complaint against the respondent No.5 alleging that the said respondent had an involvement in the incident. That the respondent No.5 allegedly abetted and instigated the victim. On such complaint, Sithalkuchi Police Station Case No.157/24 dated April 7, 2024 under Section 306 of the Indian Penal Code was registered. The investigating officer prepared a rough sketch map of the place of occurrence, recorded the statements of the petitioner and other family members and also of the local people, under Section 161 of the Code of Criminal Procedure. Raids were held at the house of the FIR named accused. The relative of the petitioner also accompanied the police team during such raids.
5. The Autopsy Surgeon opined that the death was due to asphyxia, caused by ante mortem hanging.

6. The accused filed an application for anticipatory bail and the bail was duly granted on condition. Thereafter, the accused surrendered before the learned ACJM, Mathabhanga and was released on regular bail.
7. Subsequently, another complaint was filed by the petitioner alleging that the respondent No.5 and his other associates had visited the petitioner and threatened her on several occasions. The police recorded a General Diary and made an enquiry. According to such enquiry and the statements of the local people, such allegation was not substantiated.
8. However, as the petitioner apprehends that the respondent No.5 and his associates may again threaten the petitioner, the police authorities are directed to keep a vigil and ensure that no untoward incident takes place in and around the said petitioner's residence. The police authorities shall also conclude the investigation, strictly in accordance with law.
9. The writ petition is, thus, disposed of.
10. There shall be no order as to costs.
11. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)