

13.08.2024
Court No.1
SL No.31
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 535 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Alipurduar** P.S. Case No.**236 of 2023** dated **15.07.2023** under Sections **306/34** of the Indian Penal Code.

And

In the matter of: **Koyel Das Dey @ Dipika Das and Ors.**

....Petitioners.

Mr. Sudip Guha
Mr. Abhishek Singh

...for the petitioners.

Mr. Ujjwal Luksom
Mr. Sanjiv Das

...for the State.

1. Anticipatory bail is sought on the ground that the suicide of the husband cannot be correlated with any overt act on the part of the petitioners.

2. Admittedly, the petitioners had already lodged a complaint, which resulted in Alipurduar P. S. Case No. 137 of 2023 dated 24.04.2023 under Sections 498A of the IPC and Section 3 & 4 of the D. P. Act.

3. The petitioners claim that the first of them was driven out from the matrimonial house and she left with her minor child. As per the complaint, the husband of the first petitioner is stated to have committed suicide after being insulted by the petitioners and the other in-laws.

4. It appears from the records that the victim had visited the petitioners' house to meet his child on many occasions. The causal connection between the suicide and the alleged insult of the victim by the petitioners is, therefore, not clearly established as of now.

5. In the above circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

6. In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.5,000/- each with two sureties of like amount each, one of whom must be local, 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 further condition that the petitioners shall cooperate with the investigation and on further condition that the petitioners shall appear before the court below and pray for regular bail within a fortnight from date.

7. In the event the petitioners fail to comply with the aforesaid conditions as enshrined hereinabove, the bail of the petitioners shall automatically stand cancelled without any further reference to this Court.

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

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)