

11.02.2025

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[ALLOWED]

C. R. M. (A) 220 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Basirhat Police Station Case No. 318 of 2024 dated 09.05.2024 under Sections 306/34 of the Indian Penal Code.

In Re: Dalia Nowsin @ Dalia Azad.

... .. Petitioner

Mr. Debasish Banerjee,
Mr. Kartick Kr. Ray.

... .. for the Petitioner

Mr. Kunal Ganguly.

... .. for the State

1. Supplementary affidavit is placed on record enclosing order dated 27.09.2024. The order shows petitioner's name was incorrectly recorded as an accused who had surrendered before the trial court. The error had since been corrected.

2. Learned Advocate for the State also accepts this fact.

3. Petitioner contends he has been falsely implicated in the case. Petitioner is the wife of the deceased husband. Due to ill health the victim was depressed and committed suicide. Ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed. Accordingly, she prays for anticipatory bail.

4. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits petitioner used to ill treat her husband who committed suicide.

5. We have considered the materials on record. Statements of witnesses show there was a matrimonial dispute between the

parties and petitioner used to ill treat her husband. On the other hand, it is contended petitioner's husband was suffering from ailments and committed suicide due to depression. Victim did not leave behind any suicide note implicating the petitioner. There is no chance of abscondence.

6. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

7. Accordingly, we direct that in the event of arrest, the petitioner viz., ***Dalia Nousin @ Dalia Azad*** 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 BNSS. She shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)