

C. R. M. (A) 408 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 27.01.2025 in connection with Balurghat Police Station Case No.966 of 2024 dated 05.12.2024 under Section 108 of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.2336 of 2024)

And

In Re: ***Rumpa Sarkar Saha***

... .. Petitioner

Mr. Kaushik Choudhury

... .. for the petitioner

Ms. Sreyashee Biswas
Ms. Rita Datta

... .. for the State

1. It is submitted on behalf of the petitioner that she is the wife of the deceased husband. She was subjected to cruelty. She withdrew to her parental home. Victim-husband committed suicide and petitioner has been falsely implicated. Accordingly, she prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits victim went to the petitioner's parental home to bring her back. He was mistreated and abused. As a result, he committed suicide.
3. We have considered the materials on record. Statements of witnesses show there was matrimonial dispute between the parties. It also appears from the records prior to the incident the victim is alleged to have been mistreated when he went to her parental home to bring back the petitioner. Even if the same is believed, whether the disputes and quarrels in course of matrimonial life *per se* would constitute abetment to suicide in absence of statutory presumption like Sections 117/118 of the Bharatiya Sakshya Adhiniyam, 2023 (*applicable in case*

of suicide/dowry death of a married woman) has to be assessed at the appropriate stage of the proceeding. Petitioner is a lady and there is no chance of abscondence. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and she may be granted anticipatory bail.

4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, ***Rumpa Sarkar Saha***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 and on further condition that the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)