

14.12.2021

Court No.32
rpan / 01

CRM 4359 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : **Malati Mardi & Another**

- Petitioners

Ms. Sima Ghosh,

Mr. Sanjay Patra

... for the Petitioners.

Mr. Saibal Bapuli,

Ms. Sujata Das,

Mr. Bibaswan Bhattacharya

... for the State.

Apprehending arrest in connection with Nalhati Police Station Case No.164 of 2021 dated 30.05.2021 under Sections 302/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Ms. Ghosh, learned advocate appearing for the petitioners submits that the petitioner no.1 is an aged lady of 66 years and the petitioner no.2 is a resident of Jharkhand. They have been falsely implicated. The allegations are omnibus in nature. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the post-mortem report.

Answering a query of this Court, Mr. Bapuli informs that charge sheet has been submitted under Sections 306/34 of the Indian Penal Code, 1860.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the allegations are omnibus in nature. No overt act has been attributed to the petitioners and there is no likelihood that they would flee from justice or delay the trial by abscondance. In view thereof, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **1. Malati Mardi** and **2. Elisa Marandi @ Banita Mardi**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioners shall attend the learned court below on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 4359 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)