

22.12.21
(S.R.)
Sl.217
Ct.32

CRM No.7504 of 2021

Via video conference

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Patashpur** Police Station Case No.410 of 2021 dated 25/09/2021 under Sections 302/34 of the Indian Penal Code;

And

In re: Smt Mamoni Jana (Sahoo) & Ors.

... petitioners.

Mr. Soumik Ganguli

Mr. Sayan Ray

... for the petitioners.

Mr. Swapan Banerjee

Ms. Sima Biswas

...for the State.

Mr. Ganguli, learned advocate appearing for the petitioners submits that the husband of the petitioner no.1 committed suicide about five years after the marriage. The accusations are *omnibus* in nature and the petitioners have been roped in on the basis of mere suspicion. The petitioner no.1 is a lady having a four years old child. The petitioner nos.2 and 3 are aged persons and are the father-in-law and mother-in-law of the deceased. In the said conspectus, custodial interrogation is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and submits that the victim was tortured prior to his death by her in-laws. There are incriminating materials on record against the petitioners. As such, they are not entitled to the relief, as prayed for.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary including the statements of the witnesses and the post mortem report.

The post mortem report as well as the inquest report do not show

any external injury on the person of the deceased. It is indicated that the victim committed suicide by consuming poison. It appears from the statement of the witness that the petitioner no.1 being the wife of the deceased, took him to hospital. We have also noticed that the petitioner no.1 is a lady having a four years old child and the petitioners nos.2 and 3 are also aged persons. In view thereof, *prima facie*, there is no likelihood that they would flee from justice or delay the trial by abscondence. Accordingly, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Smt Mamoni Jana (Sahoo), 2. Sri Dilip Kumar Jana and 3. Smt Manoshi Jana** will 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 with a further direction that the petitioners shall cooperate with the investigation and reside within the jurisdiction of **Patashpur Police Station**. It is also directed that the petitioner no.2 shall meet with the investigating officer of the case once in a week on and from 29th December, 2021 until further orders.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7504 of 2021 is, accordingly, 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.)