

CRM 8493 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Munarika Das @ Mornika Das & Ors.**
..... petitioners

Mr. Koustav Bagchi

.....For the petitioners

Mr. S. S. Imam
Mr. S. Kundu

.....For the State

Mr. Soumyajit Das Mahapatra

.....For the de facto complainant

Apprehending arrest in connection with Bizpur Police Station Case No. 554 of 2021 dated 08.11.2021 under Sections 498A/304B/34 of the Indian Penal Code, the instant application for anticipatory bail has been preferred.

Mr. Bagchi, learned advocate appearing for the petitioners submits that the petitioner nos. 1 and 2 are the parents-in-law of the victim, the petitioner nos. 3, 4 and 6 are the sisters-in-law and the petitioner no. 5 is the husband of the petitioner no. 6. They have all been falsely implicated in the alleged incident. All the allegations are omnibus in nature. The victim committed suicide at her parental house and in the said conspectus of facts, custodial interrogation is not necessary moreso when there is no possibility that the petitioners would flee from justice or delay the trial by abscondence.

Mr. Mahapatra, learned advocate appearing for the de facto complainant, however, opposes the petitioners' prayer

and submits that the victim was pregnant at the time of death and there are incriminating materials on record particularly against the petitioner nos. 1 and 2.

Mr. Imam, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary as well as the statements of the witnesses including that of the concerned doctor. In view of the incriminating materials on record, the petitioners 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.

Prima facie, from the doctor's certificate, it appears that the death of the victim was due to cardiac arrest. No post mortem examination was held. On the date of the alleged incident, the victim was at her paternal house. Considering the nature of accusations and the extent of complicity of the petitioners, we are of the opinion that their custodial interrogations is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Munarika Das @ Mornika Das, Chhaya Das @ Chaya Das, Menika Das @ Menka Das, Pinki Das @ Pinki Rajak, Laxman Baitha** and **Chanda Baitha** 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 with a further condition that the petitioners shall cooperate with the investigation and meet with the investigating officer as and when called for.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses.

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 8493 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.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)