

16.02.2023
Serial no. 08
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 602 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **1137** of **2022** dated **17.12.2022** under Sections **447/448/323/506/509/427/34** of the Indian Penal Code adding Section **306** of the IPC.

-And-

In the matter of : **Arun Manna & Anr.**

... ..Petitioners

Mr. Milon Mukherjee, Id. Sr. adv.
Mr. Dattatreya Dutta, Advocates
... .. For the Petitioners

Mr. Abhra Mukherjee,
Ms. Manisha Sharma, Advocates
... ..For the State

Mr. Ayan Basu,
Mr. Sourav Bera,
Mr. Sumit Routh, Advocates
... ..For the de facto complainant

Petitioners pray for anticipatory bail.

Learned senior advocate appearing for the petitioners submits that the petitioners were falsely implicated. He draws the attention of the Court to the contents of the First Information Report, the date on which the same was lodged as well as the timeframe. He submits that, the victim died on the subsequent day at about 8 o'clock in the morning. The contents in the written complaint do not allude to any dying declaration or a suicide note being left behind by the victim. He refers to the postmortem report and submits that the victim died due to consumption of poison. According to him, custodial interrogation of the petitioners are not required.

Learned advocate appearing for the State draws the

attention of the Court to the materials in the case dairy including the postmortem report of the victim.

Learned advocate appearing for the de facto complainant submits that the victim was alive for at least 8 days. He submits that the police did not make any effort to record any statement of the victim. He submits that there is a video recording made by the victim prior to her death. It was subsequently seized by the police. According to him, the victim was also humiliated on the allegation of the victim committing theft of articles belonging to the petitioners. The victim was assaulted and her modesty outraged.

The written complaint lodged by the de facto complainant alludes to the allegation of humiliation and the victim being sought to be made half naked in course of search for the items allegedly stolen.

There is a suicide note in the case dairy as also a video recording. The victim implicates the petitioners.

In such circumstances, considering the involvement of the petitioners in the incident and the materials in the case diary, we are unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 602 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)