

CRM(A) 2377 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No.160 of 2023 dated 07-02-2023 under Sections 448/323/307/34 of the Indian Penal Code and added Section 306 of the Indian Penal Code.

- A n d -

In the matter of : Archana Nunia & Anr.

.... Petitioners.

Mr. Ashok Das,
Mr. Sourav Mukherjee

... For the Petitioners.

Mr. Joydeep Roy, Jr. Government Advocate,
Mr. Amanul Islam

... For the State.

The petitioners pray for anticipatory bail. They say that there was a free fight between two groups of ladies. In the process, the victim got slightly injured. Later, she committed suicide by hanging herself.

We have seen the material in the Case Diary. The Post Mortem report says that death is due to effects of hanging ante-mortem in nature. However, there are statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, which say that the victim, after she left the place of occurrence, locked herself in a room. She did not come out for a long time. Thereafter, it was found that she had hung herself from the ceiling.

On an overall assessment of the material on record and the possible extent of complicity of the petitioners in the alleged crime, we are of the view that although investigation is not complete, immediate custodial interrogation of the

petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Archana Nunia** and **Aniya Nunia @ Tania @ Saraswati Nuniya**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioners shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM (A) 2377 of 2023 is, thus, **allowed**.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)