

10.9.2025
Sl.8
Samarpita
Court No.4

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (M) 269 of 2025

In Re: An application for bail under Section 483 of the BNSS, 2023 in connection with **Mekhliganj Police Station Case No. 220 of 2025, dated 24th July, 2025**(G.R. Case No.432 of 2025) under Sections 108/3(5) of BNS, 2023

In the Matter of: **Manika Barman**
.... Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

.. for the Applicant/Petitioner
Mr. Abhijit Sarkar,
Dr. Arjun Chowdhury
.... For the State

1. It is said by the petitioner, that she is not in any way connected with the offence alleged and neither she was present at the place of occurrence nor in any manner involved with the alleged incident.
2. It is further said by the learned Advocate that there are no materials as yet collected by the investigating agency which may entangle this accused-petitioner with the alleged offence. Anyway, this accused petitioner is in custody since for a considerable period of time, and further detention of this accused-petitioner behind the bar for the sake of custodial interrogation may not be required. So, it is said that this accused-petitioner may be enlarged on bail.
3. Learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials in the case diary which show about *prima facie* involvement of this accused-petitioner with the alleged offence and moreover, the investigating process is still going

on. It is further contended by the learned Advocate, that if at this stage this accused-petitioner is enlarged on bail, then there is every possibility of hampering of progress of further investigation of this case. The attention of this Court is drawn to the statements recorded by the Magistrate as well as by the investigating officer, in connection with this case. So, it is prayed that the petition filed by this accused-petitioner praying for bail may be rejected.

4. The instant complaint was started on the basis of a complaint lodged by the *de facto* complainant over an unnatural death of the victim. It is stated in the written complaint that this petitioner was allegedly entered into extra marital relationship and quarrel took place with the victim. This petitioner allegedly abused the victim and on 23.07.2025 the victim committed suicide by hanging himself. Anyway, this accused-petitioner was arrested on 30th July, 2025, and since then she is in custody.
5. It is an admitted position on record that the accused person has been languishing in custody for a considerable period of time. The prolonged detention of the accused has already served the purpose of facilitating investigation to a significant extent. It is also evident from the materials placed before this Court that the investigation process is still pending and is yet to be concluded. However, the continued incarceration of the accused during such stage, when no further custodial interrogation is shown to be necessary, does not appear to be warranted. In the present case, there is no specific or cogent material before the Court to suggest that further detention of the accused would advance the investigation in any meaningful manner. On the contrary, her prolonged detention, without demonstrable necessity, would amount to inflicting undue hardship and subjecting her to pre-trial punishment, which is impermissible in law. Once the

investigating agency has/had sufficient opportunity of custodial interrogation and the progress of investigation does not necessitate the physical custody of the accused any longer, her further detention behind the bar cannot be justified.

6. Therefore, considering the length of custody already undergone by the accused, and in view of the fact that the investigation process is still underway but does not warrant her continued incarceration, this Court is of the view that further detention of the accused person serves no fruitful purpose and her enlargement on bail would adequately balance the interests of investigation with the protection of her fundamental right to personal liberty.
7. In view of the above, **CRM (M) 269 of 2025** is **allowed**.
8. In view of above, the petitioner namely, **Manika Barman** is enlarged on bail upon furnishing a bond of Rs. 10,000/- with two sureties, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj and subject to the conditions that she shall not intimidate witnesses or tamper with evidence in any manner whatsoever and this petitioner shall not leave the jurisdiction of the Trial Court until further order.
9. In the event of any violation of the conditions enumerated in the preceding paragraph, the learned Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law, without any further reference to this Court.
10. Urgent Photostat Certified Copy of this order may be supplied to the parties expeditiously, if applied for.

(Prasenjit Biswas, J.)