

25.09.2020

COURT NO. 08
ITEM NO. 09
das/nandy

**CRM 7082 of 2020
with
CRAN 1 of 2020**

(PARTLY ALLOWED)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 15.09.2020 in connection with Chakdah Police Station Case No. 231 of 2020 dated 15.08.2020 under Sections 498A/306/34 of Indian Penal Code.

And

In the matter of : **Mintu Das & Anr.**

...Petitioners

Mr. Shibaji Kumar Das, Advocate

...for the Petitioners

Mr. Prasun Kumar Datta, Advocate

Mr. Santanu Deb Roy, Advocate

...for the State

Mr. Partha Sarathi Mondal, Advocate

Mr. Chiranjit Saha, Advocate

...for the de facto complainant

Petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being **CRAN 1 of 2020** is accordingly **disposed of.**

Learned Advocate on behalf of the petitioners submits that after ten years of marriage the victim committed suicide as the petitioner no. 1, husband, was unable to meet her demand for separate residence from the joint family.

Learned Advocate appearing for the State opposes the prayer for bail. It is submitted that the statement recorded under Section 161 of the Code of Criminal Procedure would corroborate the fact that there was complicity of the petitioners to the offence and, therefore, the prayer for bail should be rejected.

It is not in dispute that the case has started against the petitioners as well as the father of the petitioner no. 1, on the basis of the complaint lodged by the parental side of the victim. We have

perused the statements recorded under Section 161 of the Code of Criminal Procedure including the one of the neighbours. The petitioner no. 1 has a child of seven and half years of age. We are not oblivious of the fact that the prayer for anticipatory bail of the father of the petitioner no. 1 has been rejected, as certain materials have been found on the record.

We feel that the prayer for bail so far as it relates to **petitioner no. 1**, namely **Mintu Das**, cannot be granted at this stage and, therefore, the same is **rejected**.

However, the prayer for bail in respect of **petitioner no. 2**, namely **Alo Das**, is hereby **allowed**.

It is hereby made clear that the other co-accused shall not be entitled to claim parity as we found that the petitioner no. 2 stands on different footing.

Therefore, the petitioner no. 2, namely **Alo Das**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local to the satisfaction of learned Additional Chief Judicial Magistrate, Kalyani, subject to the condition that the petitioner no. 2 shall meet the Investigating Officer as and when required and shall cooperate with the Investigating Officer.

The prayer for bail in respect of the petitioner no. 1, namely **Mintu Das**, is **rejected**.

The application being **CRM 7082 of 2020** is accordingly **disposed of**.

(Hiranmay Bhattacharyya, J)

(Harish Tandon, J)