

07.01.2021

Item no. 4

Ct.5

CHC

Allowed

C.R.M. No.45 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Mahishadal Police Station Case No. 352/2019 dated 19.10.2019 under Sections 498A/304B/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

And

In the matter of:-

Chandana Mapa

... Petitioner

Mr. Suman De

.. for the petitioner

Md. Kutubuddin

..for the State

This relates to the prayer for bail.

Learned advocate, Mr. Suman De for the petitioner prays for releasing the petitioner/mother-in-law on bail taking the ground of her long detention for about last 65 days.

It is submitted that the mother-in-law has been falsely implicated in this case.

Learned Additional Public Prosecutor, Md. Kutubuddin raises objection against the prayer for bail referring the statement of

witnesses (neighbour), shown in page 12 of the C.D. and the Post Mortem Report, found in page 48 of the C.D.

According to learned Additional Public Prosecutor, there are sufficient materials transpiring against the mother-in-law while committing the torture and cruelty upon the deceased daughter-in-law. Deceased victim suffered death swallowing poison.

Having considered the materials in C.D. in context with the submissions of the rival sides and bearing in mind the omnibus nature of statement found in the statement of witnesses recorded under Section 161 Cr.P.C., and extent of complicity together with a fact that the other co-accused, who are the husband and father-in-law are now enjoying bail, we are persuaded to grant bail to petitioner/mother-in-law.

Accordingly, petitioner (Chandana Mapa) may find bail of Rs.10,000/-(Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local subject to the satisfaction of learned Additional Chief Judicial Magistrate-II, Haldia, Purba Medinipur and on condition that petitioner shall ensure her presence on each date of hearing and will not intimidate the witnesses in any manner whatsoever and further will not tamper the evidence already collected until further order.

This Court makes it clear that in the event of making any departure as regards making observance of the conditions of bail, the trial court shall be free to go for cancellation of the bail without making any reference to this Court.

C.D. be returned.

With these observations, **CRM 45 of 2021** stands **disposed of.**

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)