

41. 05.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 3400 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **13.04.2021** in connection with **Krishnagar Kotwali Police Station Case No. 760/2020** dated **14/10/2020** under Sections **498A/306/34/304B** of the Indian Penal Code.

And

In the matter of: - **Monojit Mondal**

Mr. Prabir Majumderpetitioner.
...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy
...for the State.

The petitioner is the husband of the victim lady. Sections 498A/306/34 of the Indian Penal Code have been invoked. Subsequently, Section 304B of the Indian Penal Code has been added.

The Prosecution says that the incident took place within nine months of the marriage. The allegation is that the husband and the in-laws used to torture her which led to the victim killing herself.

We have seen the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. The post mortem report says that the death was suicidal in nature. All the other accused persons including the in-laws of the victim have been enlarged on bail by the learned trial Court.

Charge-sheet has been filed. The trial is scheduled to commence in December, 2021.

In view of the nature of the allegations made against the petitioner which are omnibus and general, as also the material on record and given the fact that charge-sheet has been filed and all the other accused persons are on bail, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once in a fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 3400 of 2021 is, accordingly, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)