

CRM 3988 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Manikchak Police Station Case No.191 of 2020 dated 05-07-2020 under Sections 498A/302/34 of the Indian Penal Code.

- A n d -

**In the matter of : Monorama @ Manorama @ Monorama @
Manorama Chowdhury
.... Petitioner.**

Mr. Koustav Bagchi,
Mr. Arup Sarkar,
Mr. Debayan Ghosh

... For the Petitioner.

Ms. Faria Hossain,
Ms. Baisali Basu

... For the State.

The petitioner is the mother-in-law of the victim and is in custody for about 220 days. She is aged about 77 years.

The petitioner submits that she has been falsely implicated and no statement was given by the victim after the alleged incident implicating her.

The State produces the Case Diary and refers to the post mortem report of the victim.

We have considered the material on record. The cause of death of the victim as recorded in the post mortem report reads, thus – “*effects of asphyxia in association with diseased condition of organs*”.

Having considered the material available in the Case Diary and the extent of involvement of the petitioner in the alleged crime and also the fact that there has been no development in trial of the case after rejection of her prayer for bail earlier on 19-03-2021 by a coordinate Bench of this

Court, we are inclined to hold that further detention of the petitioner is not warranted and she may be enlarged on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Malda. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station.

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 his bail in accordance with law without further reference to this Court.

The application for bail being CRM 3988 of 2021 is, thus, **allowed**.

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

(**Suvra Ghosh, J.)**

(**Arijit Banerjee, J.)**