

12.07.2021  
Court No.30  
Item No. 01  
Krishnendu  
Allowed

**CRM 10902 of 2020  
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re : **Althea Sunaina Mondal & Anr.**

Petitioners

Mr. Debasish Kar  
Mr. Husen Mustafi

For the Petitioners

Mr. S. S. Imam  
Mr. Arabinda Manna

For the State

Apprehending arrest in connection with Kalyani Police Station Case No. 341 of 2020 dated 04.11.2020 under sections 306/34 of the Indian Penal Code, the petitioners have filed the present application.

Records reveal that a co-ordinate Bench of this Court heard the matter on 15<sup>th</sup> March, 2021 and directed that the petitioners shall not be arrested. The Investigating Officer was also directed to be personally present along with a report on the returnable date. Pursuant to such direction, the Investigating Officer is present in Court today along with the case diary.

Mr. Kar, learned advocate appearing for the petitioners submits that the petitioner no. 1 is the wife and the petitioner no. 2 is the mother-in-law respectively of the deceased. They have been falsely implicated and there are no incriminating materials against the petitioners. The investigation has substantially progressed and as such the custodial interrogation

of the petitioners is not necessary, more so when the petitioners are cooperating with the Investigating Officer. He further submits that a co-accused person has already been granted anticipatory bail by an order dated 7<sup>th</sup> December, 2020 passed in CRM 9859 of 2020.

The learned advocate, appearing on behalf of the State, opposes the petitioners' prayer and submits that there are materials on record, which reveal the involvement of the petitioners in the alleged offence. He, however, submits that the petitioners have complied with the directions contained in the earlier order of this Court dated 15<sup>th</sup> March, 2021 and there is no adverse report against them.

Heard the learned advocates appearing for the respective parties and considered the materials on record, including the report as filed today by the Investigating Officer. Let the said report be kept on record.

Considering the nature of allegations and as it is not likely that the petitioners would interfere with the investigation or delay the trial by abscondence , we are of the opinion that their custodial interrogation is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Althea Sunaina Mondal and Agnes Laxmi Goodwin**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of

the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall cooperate with the Investigating Officer and make themselves available, as and when called for .

The application for anticipatory bail, being CRM No. 10902 of 2020 is, thus, disposed of.

The personal appearance of the Investigating Officer is dispensed with.

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

(Suvra Ghosh, J)

(Tapabrata Chakraborty, J)