

CRM(DB) No.44 of 2022

Via video conference

14.02.22

(S.R.)

Sl.50

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Hirapur** Police Station Case No.156 of 2021 dated 09/07/2021 under Sections 498A/302/34 of the Indian Penal Code subsequently charge sheet has been submitted, being Charge-sheet No.235 of 2021 dated 04/10/2021 under Sections 498A/304/120B/34 of the Indian Penal Code;

And

In re: Santosh Thakur & Ors.

... petitioners.

Mr. Apurba Kr. Datta

Mr. Gopal Chakraborty

... for the petitioners.

Mr. Saswata Gopal Mukherjee, PP

Mr. Aniket Mitra

...for the State.

Mr. Datta, learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband, the petitioner nos.2 and 3 are the brother-in-laws, the petitioner no.4 is the wife of the petitioner no.3 and the petitioner no.5 is the aged mother-in-law of the victim. The entire family has been roped in on the basis of mere suspicion. The victim committed suicide about 5 years after her marriage with the petitioner no.1. The allegations are *omnibus* in nature. Upon completion of investigation charge sheet has also been submitted and as such, custodial detention of the petitioners, who are in custody for about 220 days, may not be necessary and they may be enlarged on bail on any stringent condition.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Sections 161 and 164 of the Code as well as the port mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that the allegations levelled against the petitioners are *omnibus* in nature. No specific overt act has been attributed to the petitioners. It further appears from the statements of the witnesses that in the concerned room the victim was alone and the same was locked from inside. Considering the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that further detention is not necessary, more so when upon completion of investigation charge sheet has been submitted.

Accordingly, the petitioners, namely, **1. Santosh Thakur, 2. Sankar Thakur, 3. Pankaj Thakur, 4. Pinki Devi and 5. Kausalya Devi** 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 Learned Chief Judicial Magistrate, Asansol with a further condition that the petitioners shall attend the learned trial court on all the dates as specified for hearing.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for bail being CRM(DB) No.44 of 2022 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

