

36
03.02.2022
(sourav)
Court No.29

(Allowed)

CRM (DB) 123 of 2022
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **11.01.2022** in connection with **Hanskhali** Police Station Case No. **539** of **2021** dated **28.07.2021** under Sections **498A/304B** of the Indian Penal Code adding Sections **3** and **4** of Dowry Prohibition Act, 1961.

And

In the matter of: **Jugal Mondal.**

....petitioner.

Ms. Sananda Bhattacharyya

...for the petitioner.

Mr. Saswata Gopal Mukherji

Mr. Partha Pratim Das

Mrs. Manasi Roy

... for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. She submits that the petitioner is in custody for 173 days. The police filed charge-sheet. She relies upon 2019 (10) SCC 778 (Javed Abdul Rajjaq Shaikh Vs. State of Maharashtra) and submits that in the facts of the present case, the petitioner's bail should be granted.

Learned Advocate appearing for the State draws the attention of the Court to the Post Mortem Report, the statement recorded by the minor child under Section 161 of the Criminal Procedure Code and subsequently the statement recorded under Section 164 of the Criminal Procedure Code of the child.

The Post Mortem Report of the victim states that the death is suicidal in nature. The initial statement of the daughter of the victim recorded under Section 161 of the Criminal Procedure Code differs with the subsequent statement recorded

under Section 164 of the Criminal Procedure Code. In the statement recorded under Section 164 of the Criminal Procedure Code, the daughter seems to suggest that the petitioner wrung the neck of the deceased. Such statement is not corroborated by the Post Mortem Report.

The above findings, however, are *prima facie*.

In view of the factual matrix as noted above, *albeit* on the *prima facie* basis and considering the period of detention of the petitioner and the fact that the police filed charge-sheet, we grant bail to the petitioner.

Accordingly, the petitioner 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **CRM (DB) 123 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

