

28.02.2022

Court No.32

rpan / **41**

SM,J.

C.R.M. (DB) 194 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re.: **Mana @ Moni Gope & 2 Others**

- Petitioners

Mr. Aritra Bhattacharya,

Mr. S. Bairagya

... for the Petitioners.

Mr. Tanmoy Kr. Ghosh,

Mr. Arindam Sen

... for the State.

The present application has been filed by the petitioners in connection with Balarampur Police Station Case no.29 of 2021 dated 23.04.2021 under Sections 498A/304B of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, praying for bail.

Mr. Bhattacharya, learned lawyer for the petitioners submitted that the present petitioners, being the mother-in-law, sister-in-law and the wife of the brother-in-law, are in custody for about 69 days, whereas they have no overt act in the alleged offence. It is rather a case of accidental death where no one is to be blamed. Considering the paucity of incriminating materials against the petitioners and since it is a case of accidental death and chargesheet has been filed, the present petitioners may be released on bail on any stringent condition.

Mr. Ghosh, learned lawyer representing the State invited our attention to the dying declaration of the victim girl where she

clearly stated that she caught fire accidentally while cooking, for which none is to be blamed.

On perusal the C.D. and other materials and after hearing both the parties, we are inclined to allow the present bail application considering the nature of accusations, extent of incriminating materials against them and in view of the fact that investigation is complete on filing of chargesheet.

Accordingly the present petitioners, namely, **Mana @ Moni Gope, Sangita Gope** and **Sumitra Gope** may be released on bail on furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Purulia.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 194 of 2022 is 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.)