

21.06.2022.
62.
Ct.No.28.
as

C.R.M. (DB) 1000 of 2022

In Re: An application for cancellation of bail.

In the matter of : The State of West Bengal.

... Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the Petitioner/State.

Mr. Biplab Mitra,
Ms. Trina Mitra.

...for the OP.

Petitioner/State has assailed order dated 4.1.2022 passed by the learned Additional Sessions Judge, Diamond Harbour, South 24-Paraganas granting bail to opposite party.

Learned Advocate for the petitioner/State submits prayer for bail was considered without going into the gravity of the case. Victim housewife had been tortured by the opposite party and co-accuseds. She suffered homicidal death at her matrimonial home within one and half year of marriage. Opposite party is the mother-in-law of the victim housewife and bail was granted to her merely on the premise that she is an aged woman.

Mr. Biplab Mitra, learned Advocate for the opposite party/ mother-in-law submits his client is suffering from high blood pressure and heart ailments. Allegations against her are general and omnibus. There is no specific allegation that she had murdered the victim housewife. Husband and father-in-law of the victim housewife are on bail.

We have considered the materials on record. Allegations are very grave. They relate to torture upon the victim housewife who was murdered at the matrimonial home. Although the opposite party/mother-in-law was present at the matrimonial home, there is no specific allegation that she murdered the housewife. On the other hand, co-accuseds viz, husband and father-in-law who were also present at the matrimonial home on the fateful day are on bail.

In this backdrop, the court below considered the poor state of health of the opposite party/mother-in-law and granted bail to her. Bail granted to co-accuseds viz., husband and father-in-law have not been assailed. They stand on the same footing with the opposite party. Investigation is over and further detention of the opposite party/mother-in-law is not necessary in the facts of the case.

In view of the aforesaid facts and circumstances of the case, we are of the opinion bail granted to the opposite party/mother-in-law who is suffering from various ailments do not require to be cancelled.

Accordingly, the application for cancellation of bail is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

