

20.06.2022
tkm/ct 28
sl no. 44

C.R.M. (DB) 1891 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dhantala P.S Case no. 524 of 2020 dated 19.12.2020 under sections 302 IPC
And

Allowed

In Re : Smt. Binapani Biswas (mentally challenged) represented by
her daughter Bithika Mandal petitioner

Ms. M Gomes

..... for the petitioner

Mr. P P Das

Ms. A Gaur

..... for the State

It is submitted that the petitioner is a mentally challenged lady. It is also submitted that she had committed murder of her husband in a state of insanity.

Learned lawyer for the State opposes the prayer for bail.

Allegation of murder requires to be assessed in the light of the submission of legal insanity on behalf of the petitioner. That apart, perusal of orders of the trial court show that the petitioner is not in fit mental state to participate in the trial.

Under such circumstances, further detention is not necessary and may hinder better treatment of the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (bond shall be furnished by daughter Bithika Mandal who represents the petitioner before us) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Ranaghat, Nadia on condition that the petitioner shall appear before the trial court on

every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

Report with regard to mental state and the treatment of the petitioner shall be filed before the trial court as and when called for.

The application being CRM (DB) 1891 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)