

12.07.2022
cm/ct 28

C.R.M. (DB) No. 2226 of 2022

sl. no. 28

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Ghatal P.S Case No. 82 of 2022** dated **11.03.2022** under Sections **498A/304B/120B/34** of the Indian Penal Code.

Partly Allowed

And

In Re : Tuna Mondal & Ors.

..... petitioners

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

..... for the petitioners

Mr. S.G. Mukherjee, Ld. P.P.
Mr. Aniket Mitra

..... for the State

Petitioners are in custody for over 100 days. It is submitted that investigation is complete.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including endorsement with regard to history of injury at page 97 of the case diary stating the petitioner No.3 (mother-in-law of the victim housewife) had set the letter on fire. Statement of one Chayya Ghuchhait (Sister-in-law of the victim housewife) at Page 74 of the case diary appears to be evasive.

In view of the aforesaid incriminating materials against petitioner No.3 prima facie disclosing her involvement in the murder, we are not inclined to grant bail to her.

However, keeping in mind the extent of complicity of the petitioner No.1 and 2 in the alleged crime and as investigation is complete, we are inclined to grant bail to them.

Accordingly, the petitioner No.1 & 2 namely (1)Tuna Mondal & (2) Ganesh Mandal be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial

Magistrate, Ghatal on condition that the petitioner No.1 & 2 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

Accordingly, the prayer for bail of the petitioners are partly allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)