

16.02.2022
Item no.238
Court No.32
Avijit Mitra

C.R.M. 7876 of 2021 (Through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Ranaghat Police Station Case No.134 of 2020 dated July 4, 2020 under Sections 498A/304B/34 of the Indian Penal Code;
And

In Re : Tarun Mondal @ Toton Mondal

.... petitioner

Ms. Sananda Bhattacharya

....for the petitioner

Md. Anwar Hossain,

Ms. Shreyashee Biswas

...for the State

Ms. Bhattacharya, learned lawyer for the petitioner submitted that co-accused namely mother-in-law of the victim is granted bail. The present petitioner is in custody for 443 days. There is no chance of immediate commencement of trial. The allegation against the present petitioner is omnibus in nature and the petitioner is falsely implicated in this case. On the strength of this submission Ms. Bhattacharya prayed for bail.

Per contra, Md. Hossain, learned lawyer appearing for the State submitted that there are incriminating elements against the present petitioner and one of the accused is still absconding. Considering the seriousness of the offence that the suicide had taken place within four months of the marriage, he opposed the bail.

We have heard the rival submissions and perused the case diary. There is no suicidal note or any dying declaration. Statement of the witnesses indicates omnibus allegation of torture without pointing any specific incident. The present petitioner is in custody for about 443 days. Considering the whole conspectus of facts we are inclined to allow the petitioner on bail.

Accordingly, we allow this application and direct that the petitioner, namely, **Tarun Mondal @ Toton Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia with a further direction that the petitioner shall not leave the jurisdiction of Ranaghat Police Station without prior permission of the Inspector-in-Charge, Ranaghat Police Station.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.7876 of 2021, 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.)