

13.09.2022.
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as
(Allowed)

C.R.M. (DB) 3061 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandrakona P. S. Case No.467 of 2021 dated 13.12.2021 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : Rupali Ghosh.

.... Petitioner.

Mr. Dhananjay Banerjee.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Ayantika Roy.

...for the State.

Mr. Kunal Gnaguly.

...for the de-facto complainant.

Petitioner is in custody for 267 days. It is submitted she has been falsely implicated out of suspicion. Post mortem report does not show the case to be one of homicidal death. Co-accused has been enlarged on bail. She prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail. He submits petitioner had illicit relation with co-accused. Statement of the minor child shows both of them murdered the victim. Life insurance policy taken out prior to the death of the victim bears the electronic mail address of the co-accused.

Mr. Ganguly for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Statement of the minor child gives an impression of unnatural death of her father. However, post mortem report shows victim died due to

ante mortem hanging. Nature of ligature mark i.e. oblique and non-continuous is indicative of suicidal hanging. No other external or internal injury was found on the body of the victim. The credibility of the minor child requires to be assessed in view of the aforesaid findings in the post mortem report which are indicative of suicidal hanging during trial. Co-accused was acquainted to the family of the deceased. Hence, his e-mail address in the life insurance policy *per se* cannot be treated as suspicious. No investigation was made with regard to the circumstances in which life insurance policy was purchased.

Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner and as there is no possibility of abscondence of the petitioner who is a lady, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, the petitioner 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Chandrakona Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where she shall reside while on

bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction she shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)