

28.04.2023
Sl. No.39
akd
[PARTLY
ALLOWED]

C. R. M. (DB) 1735 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.04.2023 in connection with Baishnabnagar Police Station Case No. 31 of 2023 dated 16.01.2023 under Sections 498A/302/304B/34 of the Indian Penal Code. (G.R. Case No.321 of 2023)

And

In Re: **Sambhu Mandal & Anr.**

... .. Petitioners

Mr. Mrityunjoy Chatterjee
Mr. Manas Das
Mr. Debapriya Majumder

... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

Petitioner no.1 is the husband and petitioner no.2 is the mother-in-law of the victim-housewife. It is further submitted that there was a matrimonial dispute. They have been falsely implicated. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses show petitioner no.1 poured poison into the mouth of the victim. In view of the principal role played by petitioner no.1 in the crime, we are not inclined to grant bail to petitioner no.1 namely, **(1) Sambhu Mandal** at this stage.

However, keeping in mind the extent of complicity of the petitioner no.2 i.e. mother-in-law of the victim-housewife in the crime and as she is a lady and has suffered detention for more than 100 days, we are of the opinion further detention of the accused/petitioner no.2 is not necessary.

Therefore, the accused/petitioner no.2 namely **(2) Latika Mandal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that the said petitioner no.2 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.

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

The application for bail is thus disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)