

03.07.2023.
110.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2437 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North P. S. Case No.47 of 2023 dated 04.02.2023 under Sections 498A/302/120B/34 of the Indian Penal Code.

In the matter of : Baidyananth Mondal.

.... Petitioner.

Mr. Avik Ghatak,
Mr. Fahad Imam.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Mr. Ayan Bhattacharjee,
Ms. Faria Hossain,
Ms. Mamata Jana.

...for the de-facto complainant.

Petitioner is the father-in-law of the victim housewife.
He is in custody for 148 days. He prays for bail.

Learned Advocate for the State opposes the bail prayer.
He submits petitioner and other in-laws had conspired and kept the gas oven in the kitchen open. As a result, victim suffered burn injuries and died.

We have considered the materials on record. Dying declaration of the victim shows no one was present in the kitchen when she went to cook. She suspected the role of her mother-in-law in the incident. Statement of her husband and son with regard to the role of the petitioner appears to be inferential and ought to be judged in the light of the dying declaration of the victim.

Keeping in mind the extent of complicity of the petitioner in the crime, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Baidyananth 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 local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Bardhaman subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his 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.)