

31.07.2023
24
sdas
allowed

CRM(DB) No. 3002 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Durgapur Police Station Case No. 172 of 2023 dated 19.03.2023 under Sections 498A/302/406/120B/34 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 498A/306/406/120B/34 of the Indian Penal Code.

And

In Re : Bula Rani Mondal & Anr. petitioners

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Rajdeep Mazumder

Mr. Pritam Roy

Mr. Soewel Bhattacharjee

....for the petitioners

Ms. Faria Hossain

Mr. Anand Keshari

.... for the State

Learned senior Counsel for the petitioners submits petitioner no. 1 is the mother of the victim and petitioner no. 2 is the second cousin of the said victim. It is contended that the victim viz. Amit Kumar Mandol out of depression not only murdered his own children and wife but committed suicide too. Petitioners have been falsely accused of abetting the crime and are in custody for 140 days. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits Amit was subjected to tremendous mental pressure by the petitioners and other members of the family. He was in depression as he had been denied his share in the ancestral property. Circumstances attending the death of Amit are suspicious. Though his body was found in a hanging condition

his hands were tied. Further investigation on this score is in progress.

We have taken into consideration a long WhatsApp message sent by the victim Amit Mandol in a family group blaming the petitioners and other members of the family for depriving him of his just share in joint property. Anguish of a co-sharer who is denied of his just share in joint property is understandable but whether such conduct of other co-owners would constitute instigation to a violent act of murder of wife and own children as well as self-extermination requires to be assessed during trial. It cannot be denied that the act of the victim appears to be extremely disproportionate when compared to the nature of dispute portrayed in the suicide note.

With regard to the plea of suspicious circumstances regarding the death of Amit himself we note that the opinion of the postmortem doctor is that death is due to hanging. Charge-sheet has also been filed under Section 306 of the Indian Penal Code. Initial investigation is over and we are informed further investigation relates to collection of forensic report for which continued detention of the petitioners is not necessary. Petitioners are female members and there is no chance of their abscondence.

In view of the aforesaid discussion we are of the opinion further detention of the petitioners is not necessary and they may be enlarged on bail.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Additional Chief Judicial Magistrate, Durgapur, subject to conditions that petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)