

09.08.2023
tkm/ct 28
sl no. 30

C.R.M. (DB) 3145 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Indpur P.S case no. 28 of 2023 dated 24.3.2023 under sections 498A/302/34 IPC read with sections 3/4 of the DP Act

and

Allowed

In Re : Shibu Mal @ Shibdas Mal & Anr. ... petitioners

Mr. A Roy

..... for the petitioners

Mr. S G Mukherjee, Id PP

Mr. P P Das

Mrs. Manasi Roy

..... for the State

Petitioner no. 1 is the father-in-law and petitioner no. 2 is the husband of the victim housewife. They are in custody for more than four months. Investigation is complete. It is contended there is no direct evidence that they had poured insecticide in the mouth of the deceased. They pray for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Victim housewife died due to poisoning. Though it is alleged that the accused had poured insecticide in the victim's mouth, there is no direct evidence to that effect. Victim did not make any dying declaration. Incident occurred nine years after marriage.

Under such circumstances and as investigation is complete and as there is no chance of abscondence, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners 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 ACJM, Khatra, Bankura on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) 3145 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)