

27.09.2023
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 3725 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.09.2023 in connection with Nandakumar Police Station Case No.64 of 2022 dated 16.02.2022 under Sections 326/328/307/302/201 of the Indian Penal Code. (G.R. Case No.406 of 2022)

And

In Re: ***Puja Mondal Sarthaki @ Puja Mondal Sattaki***

... .. Petitioner

Mr. Navanil De
Mr. Mazhar Hossain Chowdhury
Mr. Subhrajit Dey

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for more than one year and seven months. It is further submitted there was delay in lodging FIR. Forensic report confirming the cause of death has not been placed on record. Petitioner has been falsely implicated. Accordingly, she prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits victim was given pesticide in a cold drink. She fell ill and was hospitalised. Subsequently, she died. Petitioner had purchased the pesticide and on her leading statement the bottle was recovered.
3. We have considered the materials on record. It is the prosecution case that the petitioner had come to the wedding reception of the victim who had been married to the former paramour of the petitioner. It is further alleged she mixed pesticide in the cold drink and gave it to the victim to drink. Victim drank the cold drink and became ill. The victim was in her full senses when she was offered the cold drink with pesticide. It is common knowledge pesticide has

a pungent odour which would ordinarily be smelt by anyone who is offered a drink spiked with it. Prosecution requires to explain this incongruity during trial. Petitioner is a lady and there is no chance of her abscondence. She has suffered incarceration for a protracted period of time and FSL report confirming the cause of death through poison has not yet been placed on record. There is also some delay in lodging FIR.

4. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely ***Puja Mondal Sarthaki @ Puja Mondal Sattaki***, 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, Purba Medinipur at Tamluk subject to condition that the said 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.
6. 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.
7. The application for bail, thus, stands allowed.
8. Observations made in this order are tentative and for the purpose of disposal of the bail application and shall not have any bearing during the trial of the case which needless to mention shall be decided independently and in accordance with law.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

