

06.02.2024
Sl. No.44
akd
[ALLOWED]

C. R. M. (DB) 379 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2024 in connection with Chapra Police Station Case No.589 of 2023 dated 30.08.2023 under Sections 498A/328/307/302/304B of the Indian Penal Code, Section 10 of the Child Marriage Act and Section 6 of the POCSO Act. (G.R. Case No.12 of 2023)

And

In Re: ***Ibrahim Mondal***

... .. Petitioner

Mr. Arindam Jana
Mr. Sumanta Das

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Goutam Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is a child in conflict with law. It is further submitted victim, a minor, had fallen in love with the petitioner. They married each other. Subsequently, victim died due to poisoning. Statement of the victim recorded during investigation does not implicate the petitioner. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Victim had been poisoned on 14.08.2023. She was hospitalised on 17.08.2023 and expired on 01.09.2023. Her statement was recorded at the hospital. She stated her in-laws had poisoned her. She did not implicate the petitioner. Petitioner was a minor at the time of occurrence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Ibrahim Mondal***, 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 Additional Chief Judicial Magistrate, Krishnagar, Nadia 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.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)