

15.04.2024
tkm/ct 28
sl no. 36

C.R.M. (DB) 1134 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Moyna P.S case no. 439 of 2023 dated 21.12.2023 under sections 498A/302/34 IPC and section 4 of the DP Act

Allowed

and
In Re : Bibek Mondal ... petitioner

Mr. Ayan Basu
Mr. S Bera
Mr. S Routh

..... for the petitioner

Ms. Amita Gaur
Ms. Jonaki Saha

..... for the State

1. Heard learned lawyers for the parties.
2. We have considered the materials on record. Allegations of torture are general and omnibus. Though FIR was registered under section 302 IPC, charge sheet came to be filed under section 306IPC. Victim died due to hanging (in all probabilities due to suicide) 11 years after marriage. Statutory presumptions under section 113A and 113B of the Evidence Act are not attracted.
3. Under such circumstances, we are inclined to grant bail to the petitioner.
4. Accordingly, the petitioner 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 CJM Purba Medinipur at Tamluk 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.
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 being CRM (DB) 1134 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)