

14.06.2024
Item no. 32.
Court No.28.
AB
(Allowed)

CRM (DB) 1707 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Bishnupur Police Station Case No.858 of 2023 Dated 18.10.2023 under Sections 302 /201 of the Indian Penal Code

And

In the matter of : Munmun Mondal

.....Petitioner.

Mr. Aniket Mitra,
Mr. Rajib Acharyya,
Mr. Supriyo Bhattacharyafor the Petitioner.

Mr. B. Bhattacharya,
Mr. Rahul Gangulyfor the State.

The allegation is of murder. The petitioner is the daughter in law of the victim lady, who was about 72 years old.

The prosecution case is that there was a property dispute between the victim and her elder son. That is why the victim used to reside with another son Ranjit and his wife, who is the present petitioner. On the evening of the incident, only the petitioner was at home with the victim. The petitioner called her husband and said that her mother in law has been murdered and she has seen the elder son, namely, Biswajit fleeing from the place of occurrence. On the basis of the aforesaid, first information report was lodged against Biswajit. However, two days later, the petitioner went to the concerned Police Station and confessed that she had killed the victim and had falsely implicated Biswajit. On the basis of such statement, the name of

Biswajit was expunged from the charge sheet and the name of the petitioner was incorporated.

The petitioner denies all the allegations. She says that she has been framed.

Learned Counsel for the State opposes the prayer for bail and submits that pursuant to a leading statement of the petitioner, the offending weapon was recovered.

From the records we do not find any confessional statement of the petitioner recorded under Section 164 Cr.P.C. We would have thought that if the prosecution case is correct and the petitioner went on her own and told the police that she had committed the murder, the first thing that the Investigating Authority will do is to record such confessional statement before a Magistrate.

Considering the material in the case diary and the possible extent of complicity of the petitioner in the alleged offence and also considering the fact that investigation is complete and charge sheet has been filed and that the petitioner has two young children, we do not think that continued detention of the petitioner is necessary.

Accordingly, we direct that the petitioner, namely **Munmun Mondal** shall 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 Additional Chief Judicial Magistrate, Alipur, and on further conditions that she shall not leave the jurisdiction of the

concerned police station and shall cooperate with the investigation until further orders.

The petitioner 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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)