

09.07.2024
Court No.29
Item No. 44

Allowed

sg

CRM (A) 2257 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 295 of 2024 dated 21.06.2024 under Sections 306/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Tehatta at Nadia.

And

In Re: **Ashoka Mondal @ Barna Mondal & Ors.**
Petitioners

Mr. Amanul Islam
Mr. Sourav Mukherjee

For the Petitioners

Mr. Saibal Bapuli
Mr. Shiladitya Banerjee

For the State

Mr. Soumojit Das Mahapatra
Mr. Abdul Aziz Mondal

For the de-facto complainant

1. The petitioner nos. 1, 2 and 3 are the in-laws and the petitioner no.4 is the wife of the deceased son of the complainant.
2. The learned Counsel for the petitioners submits that the petitioners are innocent. There is a dispute over the drainage system for which the petitioners have been falsely implicated.
3. The learned Counsel for the de-facto complainant has submitted that the petitioner no.4, the wife of the deceased son of the complainant, is responsible for the death of his son as the deceased could not tolerate the relationship with the petitioner no.4 with another person.
4. The learned Counsel for the State has produced the case diary and it appears that the death was suicidal in nature.

5. Considering the materials available in the case diary and that the postmortem report shows that the cause of the death is prima facie suicidal in nature, we are of the view that custodial interrogation of the present petitioners is not necessary.
6. Accordingly, we direct that in the event of arrest the petitioners namely, **Ashoka Mondal @ Barna Mondal, Nagendra Nath @ Mridul Mondal, Ratan Mondal and Mallika Mondal**, shall 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 Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that the petitioners shall not leave the jurisdiction of Palashipara Police Station without the permission of I.O. The petitioner nos. 1, 2 and 3 shall meet the I.O. once in a week and the petitioner no.4 shall cooperate with the investigation. The petitioners shall appear before the learned Additional Chief Judicial Magistrate, Tehatta at Nadia in S.L. No. 143 of 2024 within two weeks from date.
7. In the event the petitioners fail to comply with any of the above conditions, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
8. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
9. CRM (A) 2257 of 2024 is, thus, disposed of.
10. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)