

24.07.2024
Court No.29
Item No. 7

Allowed

sg

CRM (A) 2424 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Bagnan Police Station Case No. 318 of 2024 dated 21.06.2024 under Sections 498A/302/34 of the Indian Penal Code and Section 3/4 of the D.P. Act, pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

And

In Re: **Moni Mandal & Ors.**

Petitioners

Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh

For the Petitioners

Mr. R.D. Nandy
Mr. Subham Bhakat

For the State

Mr. Subhashish Pachal
Mr. Rameshwar Sinha
Ms. Debanjana Sen

For the defacto complainant

1. We have heard the learned Counsel for the parties.
2. The some petitioners are in-laws and some of the petitioners are relatives of the husband of the victim through marriage with Maidul Mandal, husband of the deceased.
3. The learned Counsel for the petitioners submits that the petitioners are innocent and they are no way connected with the death of the deceased and they have been falsely implicated in the instant case.
4. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the post-mortem report and the statements of the relatives

of the husband of the victim recorded under Section 161 of the Code of Criminal Procedure.

5. The learned Counsel for the de-facto complainant has also opposed the prayer for anticipatory bail.
6. Considering the materials available in the case diary, the statements of the relatives of the victim in which Maidul Mandal was directly implicating and also considering the nature and extent of involvement of the present petitioners in the commission of the alleged offence and in view of the fact that Maidul Mandal is already in custody and having regard to the fact that the post mortem report prima facie shows the cause of death is by hanging, we are of the view that the custodial interrogation of the present petitioners is not necessary.
7. Accordingly, we direct that in the event of arrest the petitioners namely, **Moni Mandal, Rousanara Mandal, Rijiya Mandal, Abda Mandal @ Abul Kalam Mandal, Khodaja Mandal, Rashidul Mandal and Kabi Mandal @ Kabirul Mandal**, 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioners nos. 1, 4, 6 and 7 shall meet the I.O. once in a week till the submission of the final report. The petitioner nos. 2, 3 and 5 shall cooperate with the investigation. The petitioners shall appear before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah, in connection with G.R. Case No. 1403 of 2024 within two weeks from date.

8. In the event the petitioners fail to comply with any of the conditions as mentioned hereinabove, the trial court shall be at liberty to cancel their bail automatically without any reference to this court.
9. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
10. CRM (A) 2424 of 2024 is, thus, disposed of.
11. 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.)