

24.09.2024
AD-11
Court No.29
TN
(Allowed)

CRM (A) 3422 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Krishnagar Kotwali Police Station Case No. 667 of 2024 dated 17.06.2024 under Sections 498A/302/34 of the IPC.

And

In the matter of: **Biswajit Mondal and another**

.... petitioners

Mr. Prabir Majumder

....for the petitioners

Ms. Sayanti Santra,
Ms. Sima Biswas

....for the State

1. Heard the learned counsel for the parties.
2. It is submitted on behalf of the present petitioners that their mother Tuki Mondal was granted bail by the jurisdictional court on 22nd September, 2024.
3. The learned counsel for the State, however, submits that she has not received any instruction to that effect.
4. After 20 years of marriage, the victim died. The cause of death appears to be suicidal. The allegations against the present petitioners are that they have physically assaulted the victim over money transactions between their mother Tuki Mondal and the *de facto* complainant. Tuki Mondal was taken into custody and it appears that she has been released on bail.
5. Considering the nature of the dispute and the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the fact that the

cause of death is suicidal in nature, as revealed from the post mortem report, we are of the view that custodial interrogation of the petitioners is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Biswajit Mondal** and **Prasenjit Mondal** respectively 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 the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.
7. The petitioners shall meet the Investigating Officer once in a week till submission of the final report and shall not leave the jurisdiction of the District Nadia without the leave of the Trial Court till submission of the final report.
8. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Nadia at Krishnagar within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)