

14.01.2025
Item no. 29.
Court No.29.
AB
(Allowed)

CRM (DB) 3215 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Purulia (M) Police Station Case No.201 of 2024 Dated 17.05.2024 under Section 498A/304B/302/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act

And

In the matter of : Smt. Namita Mahato & Anr.

.....Petitioners.

Mr. Sourav Chatterjee, Sr. Adv,
Mr. Pawan Kr. Gupta,
Mr. Saugata Mitra,
Ms. Sofia Nesar,
Mr. Santanu Sett,
Ms. Soma Chakraborty,
Mr. Nikhil Gupta,
Mr. Subhadeep Maitrafor the Petitioners.

Ms. Amita Gour,
Md. Sayeed Khanfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner no.1 is the mother-in-law and the petitioner no.2 is the husband of the deceased lady. They say that they have no role to play in the death of the victim lady. The death was accidental. She fell down and suffered injury in her head. She succumbed to such injury. They took the victim to hospital. However, she was declared "brought dead". The petitioner no.1 is in custody for about six months. The petitioner no.2 is in custody for about seven months. They pray for bail.

2. Opposing the prayer for bail, learned State Advocate draws our attention to the depositions of the two witnesses already examined before the learned Trial Court. She also shows us statements of witnesses recorded under Section 164 Cr.P.C. She further tells us that the trial is progressing at a satisfactory pace and there is no delay in that regard.
3. We have considered the material on record. We have seen the post mortem report. Nothing appears to have been seized from the petitioners or from the household excepting a bamboo and that too, without any bloodstain. Most importantly, investigation is complete. The trial is proceeding. We see no useful purpose in further detaining the petitioners in custody.
4. Accordingly, we direct that the petitioners, namely **SMT. NAMITA MAHATO** and **BAJARI MAHATO** 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 learned Chief Judicial Magistrate, Purulia, and on further conditions that they shall not leave the jurisdiction of the concerned police station and the petitioner no.2 shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

5. The petitioners 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.
6. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.
7. The application for bail is, accordingly, allowed.
8. 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.)