

S.C. case No. 291 (11) 2021

Order No. 07.
dated 12.01.2022.

The case record is taken up for passing order in virtual mode.

In this case, a petition dated 04.01.2022 praying for bail has been filed on behalf of accused Tohara @ Tohura Mondal.

Both the sides were heard on earlier date.

Perused the materials on record and CD. Considered.

Learned lawyer for the accused/petitioner submitted that the principal offender in this case namely Ajim Sardar @ Bhondu Sardar has been granted bail by the Hon'ble Court in CRM No. 5175 of 2021. On that score, learned lawyer prays for bail to the present accused/petitioner also contending that she may be released upon consideration of period of her detention.

Learned P.P., Nadia had raised vehement objection submitting inter alia that the present accused/petitioner is the actual principal offender in this case as because she organized the entire crime. According to him, accused Ajim Sardar @ Bhondu Sardar is not FIR named accused in this case. Learned P.P., Nadia went on to argue that in the backdrop of having business relation between the present accused/petitioner and the victim in this case, there appears sufficient motive for the present accused/petitioner to commit murder of the victim in this case. From all such arguments learned P.P., Nadia concluded that the present accused/petitioner should not be released on bail in this case.

On perusal of the written FIR, it would appear that this accused/petitioner is named in the written FIR. The entire allegations indicating existence of motive have been raised in the written FIR against the present accused/petitioner. She appears to be at a footing different from that of accused Ajim Sardar @ Bhondu Sardar in this case. The statements of the witnesses recorded under section 161 Cr.P.C. would reveal that the victim was seen to enter into the house of the present accused/petitioner and thereafter the victim could not be found. The materials in the case diary would reveal further the dead bodies of the victim and her little child were recovered at the courtyard of the house of the present accused/petitioner.

This is a case upon serious allegation of committing murder of the victim lady as well as of her little child. Copy of Postmortem examination report in respect of dead bodies of the victims would reveal that the deaths of the victims were homicidal and antemortem in nature. Copies of the postmortem reports are lying at page No. 85 and 86 in the CD. There are statements of independent witnesses recorded under section 164 Cr.P.C. to the effect that the said witnesses saw the victim with her child, since deceased, at the house of the present accused/petitioner before their deaths on the relevant date. If the present accused/petitioner is released on bail at this crucial stage then there is every possibility that the progress of trial in this case would get hamper. The entries made by the Investigating Officer at page no 18 of the CD would reveal that immediately after the occurrence accused/petitioner fled away from her house and she was apprehended on 06.02.2021 after the Investigating Officer along with his force raided a place different from place of residence of the accused/petitioner.

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Considering all the above facts and circumstances together with the materials available in the case diary, this Court is not inclined to enlarge the present accused/petitioner on bail in this case at this stage.

Accordingly, prayer for bail dated 04.01.2022 submitted on behalf of the accused Tohara @ Tohura Mondal stands **rejected**.

To date (28.01.2022) for evidence of CSW No. 1 and 2.

Upload this order in CIS.

Return C.D.

Dictated and corrected

Sd/- A. K. Bandyopadhyay
Additional Sessions Judge,
3rd Court, Krishnagar, Nadia

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Additional Sessions Judge,
3rd Court, Krishnagar, Nadia.