

C.R.M. 19 of 2019

Re : An application for bail under section 439 of the Code of Criminal Procedure, 1973.

In re : Mohan Shaw @ Balak.

Mr. Debasish Mukhopadhyay
Mr. Anirban Banerjee.....for the petitioner

Mr. Kallol Banerjee
Ms. Namrata Das.... for the State

The petitioner is seeking bail in connection with Banarhat Police Station F.I.R. No. 154 of 2018 dated 16.07.2018 under sections 498A/302/34 of the Indian Penal Code.

We have heard learned advocates for the parties and perused the materials in the case diary. The accused and the victim were married eight years back; the accused is in custody for nearly 258 days; his mother, a co-accused, has been released on bail and the police report (charge-sheet) under section 173(2) of the Code of Criminal Procedure, 1973 has been filed before the relevant magistrate upon completion of investigation.

Having regard to such circumstances and particularly in view of the fact that there is no eye-witness to the incident of alleged homicidal death of the victim, we are of the considered opinion that pre-trial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of like amount to the satisfaction

of the learned Chief Judicial Magistrate, Jalpaiguri on condition that he shall appear before the trial court on every date of hearing and shall not intimidate any witness or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court, such court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail, is accordingly, allowed.

(SHIVAKANT PRASAD, J.)

(DIPANKAR DATTA, J.)