

32 04.06.2019
pk/ss Allowed

C.R.M. 4631 of 2019

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure filed on 30.05.2019 in connection with Jalpaiguri Women P.S. Case No. 15 of 2019 dated 21.02.2019 under sections 498A/302/34 of the Indian Penal Code.

And

In the matter of : Dipak Mahato @ Bikram & Anr.

... .. petitioner

Ms. Jeenia Rudra,
Mr. Debasish Mukhopadhyay

... .. for the petitioner

Mr. Debobrata Das

... .. for the State

The petitioners submit that they are the husband and sister-in-law of the victim and they are in custody for about 102 days and 90 days respectively. Investigation has concluded and the charge-sheet has been submitted under section 306 of the Indian Penal Code.

Learned counsel appearing for the State produces the case diary and opposes the prayer for bail.

Considering the fact that the investigation is complete and as police report has been submitted under section 306 of the Indian Penal Code, we are of the view that further detention of the petitioners is not required.

Accordingly, the prayer for bail of the petitioners is considered and allowed.

Let the petitioners 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, Jalpaiguri subject to the condition that they shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial Court without justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)