

26.06.2019.
Item No.6
(Allowed)
Ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 451 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.06.2019 in connection with Falakata P.S. Case No. 147/2019 dated 08.04.2019 for committing offence punishable under Sections 498(A)/306/302/34 of the Indian Penal Code;

And

In the matter of : Tasir Mia @ Tachhir Miya.

... petitioner.

Mr. Debajit Kundu.

...For the petitioner.

Mr. Aditi Shankar Chakraborty, Id. APP,
Mr. Sagnik Sankar Sikdar.

...For the State.

Heard the learned Advocates appearing on behalf of the parties. Perused the case papers.

The petitioner is in custody for 54 days in connection with Falakata P.S. Case No. 147/2019 dated 08.04.2019 for committing alleged offence punishable under Sections 498(A)/306/302/34 of the Indian Penal Code.

At the very outset, we must record that the prayer for bail made before the learned Additional Sessions Judge, Alipurduar was rejected on 14th June 2019. It appears from the recording made therein that the petitioner had been in touch with the principal accused, who is languishing in jail, constantly on the said date when the body of the victim lady was recovered from the railway track.

According to the prosecution, the body of the victim lady was recovered from railway track and later on a case was initiated against her husband as well as the petitioner under

the aforesaid provisions of law. The victim lady was married to the principal accused nine years before her death and the allegation of physical torture on account of dowry is also incorporated therein.

We have perused the statements of various witnesses, more particularly, the son of the victim lady recorded under Section 164 of the Code of Criminal Procedure and the extent of complicity of the petitioner in the alleged offence, we find that the custodial interrogation of the petitioner is not necessary.

The petitioner is, therefore, entitled to bail.

The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs 5,000/-, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate-II, Alipurduar, subject to the condition that the petitioner shall meet the Investigating Officer on every alternate day and shall not leave the station without prior leave of the Court.

The application for bail being CRM 451 of 2019 is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)

