

24.12.2020.
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as
(Partly
Allowed)

**C.R.M. 2791 of 2020
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj P. S. Case No.505 of 2019 dated 30.11.2019 under Sections 498A/304B of the Indian Penal Code.

In the matter of : Pradip Dey @ Milan Dey & Anr.
.... Petitioners.

Mr. Atis Kr. Biswas,
Mr. Amit Singh.
...for the Petitioners.

Mr. Tanmoy Kr. Ghosh,
Mr. Arindam Sen.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

We have considered the materials on record. Two dying declarations were recorded in the course of treatment of the deceased housewife. In the first dying declaration she has stated that due to torture by the petitioners, she set herself on fire. Subsequent dying declaration, however, attributes role to the first petitioner i.e. her husband in setting her on fire.

Under such circumstances, we are not inclined in granting bail to the petitioner no.1 i.e. her husband.

Accordingly, the prayer for bail of the petitioner no.1 is rejected.

However, in view of the extent of complicity of the petitioner no.2, mother-in-law in the alleged crime, we are inclined in granting bail to the petitioner no.2.

Accordingly, the petitioner No.2, viz., Saraswati Dey shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application, being C.R.M. 2791 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)