

21.09.2020
tkm
sl no. 82

CRA 255 of 2019
CRAN 1 of 2019 (old no. CRAN 2981/19)
(via video conference)

In Re : An application under section 374(2) of the Code of Criminal Procedure

And

Allowed

In Re : Khokan Das appellant

Mr. M Chatterjee
..... for the appellant

Mr. N Ahmed
..... for the State

It is submitted that the appellant was on bail during trial and did not misuse his liberty in any manner whatsoever. Evidence with regard to cruelty are general and omnibus and the witnesses appeared to have presented embellished versions during trial.

Learned lawyer for the State opposes the prayer for bail and submits that the victim was subjected to cruelty over demand of dowry and committed suicide within three months of marriage.

We have considered the materials on record including the evidence of the witnesses. Keeping in mind the facts and circumstances of the case in the light of the submission that the evidence with regard to cruelty are general and omnibus in nature, we are of the opinion that a prima facie arguable case has been made out in favour of the appellant. Appellant was on bail during trial and did not misuse liberty in any manner whatsoever and the sentence is one of term imprisonment. Hence, we are inclined to suspend the sentence of the appellant and grant bail to him.

Accordingly, the appellant shall be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount

each to the satisfaction of the learned CJM, Purba Medinipur on condition that the appellant shall report to the said magistrate once in a month till the disposal of the appeal.

In the event the appellant fails to do so, the said court shall forthwith intimate such fact to this court and the department shall place this matter before the appropriate Bench for necessary order in accordance with law.

CRAN 2981 of 2019 is disposed of.

Lower court records be called for.

Paper books be prepared within four weeks from the date of receipt of the lower court records.

Photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)