

15.09.2020.

Item No. 2

(Allowed)

ab

(Via Video Conference)

C.R.M. 6500 of 2020

+

I.A. No. C.R.A.N. 1 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Haldibari P.S. Case No. 82 of 2020 dated 02.07.2020 under Sections 498A/302 of the Indian Penal Code (G.R. Case No. 292 of 2020);

And

In the matter of : **Rabin Dhar @ Shyamal Dhar.**

... petitioner.

Mr. Partha Pratim Sarkar.

...For the petitioner.

Mr. Niloy Chakraborty,

Mr. Aniruddha Biswas.

...For the State.

The learned Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency, the application is taken up for hearing through Video Conference.

Accordingly, the interlocutory application being IA No. CRAN 1 of 2020 is disposed of.

The learned Advocate for the petitioner submits that the petitioner has been falsely implicated in connection with the instant case as he accompanied the husband of the victim to the hospital where the victim was found dead. It is further submitted that the cause of death shown in the Post Mortem Report is myocardial infraction, which does not attribute any role to an injury, which is Anti Mortem in nature.

The learned Advocate for the State opposes the prayer for bail and submits that though the cause shown in the

Post Mortem does not appear to be Anti Mortem in nature yet there are ample materials to show that the victim was tortured.

After considering the submissions advanced by the respective Counsels and the materials appearing from the Memo of Evidence including the findings recorded in the Post Mortem Report and the fact that the petitioner is not related by blood to the husband of the victim, there is no necessity of keeping the petitioner in custody any more.

Accordingly, the petitioner, namely, **Rabin Dhar @ Shyamal Dhar**, shall be released on bail upon furnishing a Bond of Rs. 10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj, subject to the condition that the petitioner shall meet with the Investigating Officer once in a week until further order.

The application being CRM 6500 of 2020 is **allowed**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)