

23.9.2020
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Item no.31
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.7136 of 2020

Rabin Mondal & Anr.

-vs-

The State of West Bengal

with

CRAN/1/ 2020

In Re: An application for bail under **Section 439 CrPC** in connection with Khejuri P.S. Case No.239 of 2019 dated 17.9.2019 under sections 498A/304B/34 of the IPC and under Section 4 of the Dowry Prohibition Act.

Mr. Sourav Chatterjee,
Ms. Ritu Mukherjee
...for the petitioners.

Mr. Rana Mukherjee,
Mrs. Sujata Das
... for the State.

The advocate-on-record for the petitioners undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The learned Advocate appearing for the petitioners submits that the petitioner No.1 is the husband and petitioner No.2 is the brother-in-law of the deceased. According to the learned Advocate both the petitioners are in custody for 92 days and charge-sheet has already been filed in connection with the instant case. The learned Advocate further adds that so far as the allegations are concerned, the same are omnibus and general in nature and as such the accused persons cannot be distinguished so far as their locus in respect of the allegations are concerned.

Mr. Mukherjee, learned Advocate appearing for the State opposes the prayer for bail and hands over the memorandum of evidence so submitted by the Investigating Officer of the case.

We have perused the materials-on-record and considered the

nature and gravity of the offence and close proximity of time within which the deceased had ended her life. Having considered the same, we are of the opinion that the prayer for bail of the petitioner No.1 should be rejected at this stage.

However, the prayer for bail of the petitioner No.2 is allowed.

Accordingly, the petitioner No. 2 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Contai subject to the condition that while on bail the petitioner No.2 shall meet with the Investigating Officer of the case once in a fortnight until further orders and the petitioner No.2 shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner No.2 fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner No.2 without any further reference to this court.

CRM No.7136 of 2020 and **CRAN/1/ 2020** are disposed of.

[Tirthankar Ghosh, J]

[Samapti Chatterjee, J]