

03.11.2020
Sl. No.16
akd
[ALLOWED]

C. R. M. 8626 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.10.2020 in connection with Chakdah Police Station Case No. 231 of 2020 dated 15.08.2020 under Sections 498A/306/34 of the Indian Penal Code.

And

In Re: ***Prabhas Das & Anr.***

... .. Petitioners

Mr. Shibaji Kumar Das .. Advocate

... .. for the petitioners

Mr. Prasun Kumar Datta .. Ld. Addl. Public Prosecutor

Mr. Santanu Deb Roy .. Advocate

... .. for the State

The petitioners undertake to appropriately stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioners are close relatives of the husband of the deceased victim. The husband has obtained statutory bail. The mother-in-law of the victim has been granted bail by this court.

The State says that at the time when the petition was moved on behalf of the mother-in-law, the statement of the son of the victim had not been recorded. His statement has now been recorded under Section 164 of the Code. The State points out that the present petitioners inflicted torture on his mother.

It is the undeniable position that the victim committed suicide. The suicide took place some ten years after the marriage took place. These petitioners cannot be said to have had any role in the unnatural death of the victim except to the extent that the petitioners may have tortured the victim as the victim's son now claims.

On the basis of the material available, the petitioners need not be detained any further. However, the petitioners must cooperate with the investigating officer and report to such officer as and when called till the charge-sheet is filed.

Subject to the above the petitioners will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the appropriate court in Nadia. The petitioners will not leave the State without the previous permission obtained from the investigating officer. Further, in the event charges are framed against the petitioners or either of them the concerned petitioner should attend every date fixed for the trial and any unexplained absence will entitle the trial court to cancel the bail without reference to this court.

CRM 8626 of 2020 is disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)