

16.12.2020
Court No.28
SL No.32
AP

CRM 9353 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gangajalghati** P.S. Case No.**63 of 2020** dated **19.05.2020** under Sections **498A/302/304B/34** of the Indian Penal Code and Sections **3/4** of the D.P. Act.

And

In the matter of: **Bikash Mandal**

....Petitioner.

Mr. Samiran Mandal,
Mr. Nitish Samanta

... for the Petitioner.

Mr. P.K. Datta, Ld. A.P.P.,
Mr. Santanu Deb Roy

...for the State.

It is submitted on behalf of the petitioner that he is in custody for about 208 days and investigation is complete.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner and other in-laws set the victim on fire.

There are materials to show that the victim housewife died due to burn injuries at the matrimonial home. However, there is no direct evidence that the petitioner had set the housewife on fire. Absence of the petitioner from the place of occurrence soon after the incident cannot always be treated as an incriminating circumstance. On the other hand, it has to be assessed in the light of other attending facts and circumstances of the case. In view of the aforesaid facts and keeping in mind the period of detention already suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Let the petitioner 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 Chief Judicial Magistrate, Bankura subject to the condition that while on bail the petitioner shall appear before the learned trial

court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)