

46 14.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 9890 of 2020
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Manikchak** P.S. Case No. **172 of 2020** dated **03/06/2020** under Sections **498A/304B/302/34** of the Indian Penal Code.

And

In the matter of: Swapan Mandal @ Swapan Mondal
....petitioner.

Mr. S. Hasan

...for the petitioner.

Mr. Saswata Gopal Mukherjee, P.P.,
Mr. P. P. Das

...for the State.

Petitioner is in custody for more than 192 days. It is further submitted that the incident occurred six years after marriage and investigation is complete.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that petitioner was tortured over the issue of birth of girl child and consumed poison.

We have considered the materials on record. Allegation under Section 304B of IPC is to be assessed in the light of the statements of witnesses which speak of torture with regard to the birth of girl child. Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner, however, subject to strict restrictions.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Malda subject to the

condition that during bail he shall appear before the learned trial court regularly and he 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, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)