

18.12.2020

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CRM 10281 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chitpur P.S. Case No.108 of 2020 dated 22.05.2020 under Sections 498A/506/34 of the Indian Penal Code adding Section 304B of the Indian Penal Code read with Section 3/4 of the D.P. Act.

And

In the matter of: Anjali Saha

....Petitioner.

Mr. Mrityunjoy Chatterjee

...for the Petitioner.

Mr. S.G. Mukherjee, Ld. PP.

Mr. P.P. Das

Ms. M. Roy

...for the State.

Investigating officer is present in Court. Case diary is produced.

Presence of the I.O. is noted and dispensed with.

There are two dying declarations of the victim. In one of the declarations she states she set herself on fire while in the other petitioner is implicated as one who set her on fire.

Learned lawyer for the State opposes the prayer for bail.

There is inconsistency in the dying declarations.

Co-accuseds have been enlarged on bail. Petitioner is in custody for 190 days. Under such circumstances, we are inclined in granting the same privilege to the petitioner also.

Accordingly we direct that the petitioner 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, Sealdah, South 24 Parganas subject to

condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)