

15.12.2020
tkm
sl no. 65

**C.R.M. 10415 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhagawanpur P.S. Case No. 145 of 2020 dated 22.6.2020 under Sections 498A/302/34 of the Indian Penal Code
And

Allowed

In Re : Sankar Das petitioner

Mr. J N Chatterjee
Mr. N Ahmed

..... for the petitioner

Mr. S G Mukherjee
Mr. P P Das
Ms Manasi Roy

..... for the State

It is submitted on behalf of the petitioner that the incident occurred 25 years after marriage. Victim was suffering from depression and committed suicide. He is in custody for 175 days.

Learned lawyer for the State relies on an oral dying declaration of the deceased implicating the petitioner as the person who set the housewife on fire.

We have examined the statements of witnesses who state the victim had made oral dying declaration to them. Such declaration appears to have been made in the hospital. However, no medical personnel or treating doctor has corroborated the said dying declaration.

Under such circumstances 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.

Accordingly, the petitioner 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

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

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 10415 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)