

06.01.2021
Item no.22
Ct.5
CHC
Allowed

C.R.M. No.57 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 291 of 2020 dated 16.06.2020 under Sections 498A/304B/34 of the Indian Penal Code.

And

In the matter of:-

Robiul Islam @ Rabiul

... Petitioner

Mr. Sarwar Jahan,
Mr. Anisur Rahman

.. for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Aniket Mitra

..for the State

This is to consider the prayer for bail.

Petitioner seeks bail on the ground of long incarceration of 178 days.

Learned advocate for the petitioner strenuously submits that the deceased/victim committed suicide by taking poison while staying in her parental house.

Learned Public Prosecutor raises objection submitting that the victim suffered death receiving torture, cruelty, oppression

together with the ground of non-satisfaction of post marital dowry demand.

Our attention is drawn to the statement of several witnesses recorded under Section 161 Cr.P.C. together with statement of the mother of the deceased victim recorded under Section 164 Cr.P.C. We are made to travel to the autopsy of the deceased victim including the police inquest.

Having considered the materials already collected in the C.D. and the submission of both sides in context with the allegations and bearing in mind that the deceased victim admittedly suffered death in her parental house swallowing poison and further that the charge-sheet has since been submitted, we are persuaded to hold that further detention is not justified.

Accordingly, petitioner (Robiul Islam @ Rabiul), may find bail of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of Rs.5,000/- each, subject to the satisfaction of learned Additional Chief Judicial Magistrate-I, Lalbagh, Murshidabad and on condition that petitioner shall ensure his appearance on each date of trial and not intimidate the witnesses in any manner whatsoever, and further not tamper the evidence so far collected in this case. This Court makes it clear that for any departure on the part of petitioner in making observance to the conditions of bail, the trial court shall be at liberty to go for cancellation of bail without making any reference to this Court.

C.D. be returned.

With these observations, **CRM 57 of 2021** stands **disposed of.**

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)