

24.02.2021
Court No.28
rpan /43

**CRM 615 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Polba Police Station Case No. 145 of 2020 dated 26.09.2020 under sections 498A/304B of the Indian Penal Code;

And

In Re: **Surojit Bera & Another**

...Petitioners

Mr. Sujan Chatterjee,
Mr. Sanat Kumar Das,
Mr. Partha Sarkar

...For the Petitioners

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy

...For the State

The learned advocate for the petitioners submits that the petitioners were arrested on 26th September, 2020 and till date they are in custody. According to the learned advocate, as the investigation of the case has been concluded and charge-sheet has also been filed, the petitioners may be released on bail on any stringent condition.

Mr. Das, learned advocate appearing for the State opposes the prayer for bail and submits that although the doctor has recorded that the victim has set herself on fire but the same is not conclusive. The learned advocate further submits that there are allegations of demand of dowry and the victim had to take a decision to end her life because of the effect of immediate quarrel with the mother-in-law, who is still absconding.

We have perused the materials on record which include the statements of the witnesses, the medical reports, the post-mortem report and the charge-sheet. We find that the prosecution has relied upon twenty-one witnesses to prove its case. Having regard to the fact that the petitioners are in custody since September, 2020 and there is no scope for the trial being concluded in the near future, we are of the opinion that the petitioners may be released on bail. Accordingly, their prayer for bail is allowed.

Accordingly, we direct that the petitioners, viz. **Surojit Bera and Bimal Bera** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Hooghly subject to condition that the petitioners 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 and on further condition that the petitioner no. 1 shall meet with the Officer-in-Charge of the Polba Police Station once in a week until further orders.

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

With the aforesaid observations, the application for bail, being CRM No. 615 of 2021, is disposed of.

(Tirthankar Ghosh, J.) (Tapabrata Chakraborty, J.)