

24.02.2021
Court No.28
rpan /49

CRM 631 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Khejuri Police Station Case No. 239 of 2019 dated 17.09.2019 under sections 498A/304B/34 of the Indian Penal Code and charge-sheeted under Sections 498A/304B/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act;

And

In Re: **Rabin Mondal**

...Petitioner

Mr. Sabyasachi Mukherjee,

Mr. Bibek Dey

...For the Petitioner

Mr. Partha Pratim Das,

Ms. Manasi Roy

...For the State

The learned advocate for the petitioner submits that the petitioner is the husband of the deceased and he has been arrested on or about 24th June, 2020. Learned advocate further submits that the petitioner is similarly placed with the other accused persons, who have been released on bail and as there is no overt act as per the prosecution against the present petitioner, on any condition he may be released on bail.

Mr. Das, learned advocate appearing for the State opposes the prayer for bail and submits that earlier bail application of the petitioner was rejected and the incident occurred within four years of marriage and there is a 14-month old daughter. He further submits that there are allegations of torture from the inception of marriage and unable to bear the torture, the victim consumed poison and thereby decided to end her life.

We have considered the materials on record, which include the statements of the witnesses and the post-mortem report as also the charge-sheet. On an assessment of the materials available in the case diary and the fact that the prosecution has relied upon twenty-one witnesses to prove its case, we are of the opinion that there is no scope for the trial being concluded in the near future and as such further detention of the petitioner is unwarranted. Accordingly, prayer for bail is allowed.

Accordingly, we direct that the petitioner, viz. **Rabin Mondal** shall 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 Additional Chief Judicial Magistrate, Contai, Purba Medinipur 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 and on further condition that the petitioner shall meet with the Officer-in-Charge of the Khejuri Police Station once in a week until further orders.

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.

With the aforesaid observations, the application for bail, being CRM No. 631 of 2021, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)