

08.03.2021

Item No.29

Ct.No.28

dc.

Allowed

C.R.M. 722 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Sudip Samanta**

... Petitioner.

Ms. Srimoyee Mukherjee

... For the Petitioner.

Mr. Bidyut Kumar Roy,

Ms. Rita Datta

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Khanakul P.S. Case No. 259 of 2020 dated 15.10.2020 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3/4 of D. P. Act.

The learned advocate appearing for the petitioner submits that the alleged incident occurred about five years after the petitioner's marriage. The allegations levelled against the petitioner are unfounded. The victim lady committed suicide and there is no dying declaration. The father-in-law of the victim lady has been granted anticipatory bail. Upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody for about 145 days, is not necessary, more so when charges have not yet been framed.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

We have perused the materials in the case diary and considering the nature of allegations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that the petitioner, namely, **Sudip Samanta** 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 Additional Chief Judicial Magistrate, Arambagh, Hooghly and on a further condition that the petitioner shall be present before the trial court on the dates specified for hearing.

The application for bail, being CRM 722 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)