

28.04.2021

Item No.14

Ct.No.28

dc.

Allowed

C.R.M. 851 of 2021

(Via Video Conference)

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

And

In Re : **Debasish Bar**

... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Sk. Sahjahan Ali,
Mr. Nazir Ahmed,
Ms. Jayashree Patra

... For the Petitioner.

Mr. Aniket Mitra

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Ramnagar P.S. Case No. 265 of 2020 dated 10.10.2020 (G.R. Case No. 1534 of 2020) under Sections 498A/304B/34 of the Indian Penal Code.

The learned advocate for the petitioner submits that the petitioner is in custody since 17.10.2020 and the investigating agency on conclusion of the investigation has already submitted charge-sheet. The learned advocate further submits that there was delay in initiating the instant case as the incident occurred on 14.08.2020 and the application under Section 156(3) of the Code of Criminal Procedure was filed on or about 15.09.2020 and subsequently the case was registered by the concerned police

station on 10.10.2020. Additionally, the learned advocate submits that there are no direct allegation so far as the present petitioner is concerned and for reasons otherwise the victim committed suicide and decided to end her life by hanging.

The learned advocate for the State draws the attention of this Court to the statement of the witnesses under Section 164 of the Code of Criminal Procedure where there are allegations against the present petitioner which were by the mother and the aunt of the deceased. The learned advocate for the State further submits that the incident happened within ten months of marriage. Further there are consistent statement of the witnesses revealing torture being inflicted upon the deceased victim.

We have perused the case diary and assessed the materials on record which include the statements under Section 164 of the Code of Criminal Procedure and Section 161 of the Code of Criminal Procedure as also the *post mortem* report. Having considered the period of detention of the present petitioner and there being no possibility of conclusion of trial in the near future, we are of the opinion that further detention of the petitioner is not warranted. As such, the petitioner's prayer for bail is **allowed**.

Accordingly, we direct that the petitioner, namely **Debasish Bar** 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, Contai, Purba Medinipur and on further condition that the petitioner shall meet with the Officer-in-Charge, Ramnagar Police Station once a week on and from 7th May, 2021 until further orders.

It is also made clear that the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the aforesaid conditions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail, being CRM 851 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.)