

24.03.2021
p.b.
S.L. No.124

CRM 1256 of 2021

In re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Khanakul Police Station Case No.239 of 2020 dated 25.09.2020 under Sections 498A/304B/34 of the Indian Penal Code read with Section 3 /4 of the Dowry Prohibition Act.

In re: Aparna Bera.

.....Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee.

.....for the petitioner.

Ms. Sukanya Bhattacharya,
Mr. Md. Kutubuddin.

.....for the State.

Learned advocate appearing on behalf of the petitioner submits that the petitioner is in custody since 29th November, 2020 and the investigation of the case has already been concluded. He further submits that the petitioner is married sister in law of the deceased and as such, further detention of the petitioner is unwarranted in the facts and circumstances of this instant case.

Learned advocate for the State opposes the prayer for bail and submits that there are materials on record appearing against the petitioner and consistent allegations of mental and physical torture is against her.

We have perused the materials on record including the statement of witnesses and the post-mortem report, we find that the victim died by

consuming poison. There are no injuries. As such, further detention of the petitioner is unwarranted in the facts and circumstances of the instant case.

Let the petitioner 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, Arambag subject to the condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)