

CRM 1508 of 2021

In re : An application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Dipankar Das Bairagya**

..... petitioner

**Mr. Asraf Mondal
Ms. Kanchan Gupta**

....For the petitioner

**Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen**

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Karimpur Police Station Case No. 212 of 2019 dated 14.10.2019 under Sections 498A/326A/307/34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 19th October, 2019 and there was no intention on the part of the petitioner to hurt his wife. Additionally, the learned counsel submits that having regard to the period of detention, the petitioner may be released on bail on a stringent condition.

Mr. Ghosh, learned counsel appearing for the State draws our attention to the injury report as well as the statement of the victim.

We have perused the medical report and prima facie, we find that there are certain contradictions. Having regard to the fact that the prosecution intends to examine 21 witnesses in support of its case and till date, there has been no progress in trial, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, Dipankar Das Bairagya 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, Tehatta, Nadia and on a further condition that the petitioner shall meet with the Officer-in-Charge of Karimpur Police Station once a week until further orders. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that if the petitioner is in possession of passport, the same shall be deposited with the Officer-in-Charge of Karimpur Police Station. In case, his passport is not available, the petitioner shall file an affidavit to that effect.

The learned trial Court is directed to expedite the process of consideration of charge and proceed with the trial of the case and conclude the same as expeditiously as possible without granting any unnecessary adjournment. In case the petitioner creates any hindrance in the smooth progress of the trial, the learned trial Court will be at liberty to cancel his bail without any further reference to this Court.

The application for bail, being CRM 1508 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.)

(Soumen Sen, J.)