

06.04.2021

CRM 1613 of 2021

Court No. 28
Item No. 192
snandy

(ALLOWED)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 09.02.2021 in connection with Pursurah Police Station Case No. 190 of 2020 dated 19.11.2020 under Sections 498A/302/201/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act (G.R. Case No. 1160 of 2020).

and

In the matter of: **Ajit Bag & Anr.**

..... Petitioners

Mr. Ayan Bhattacharya, Advocate

Mr. Niladri Sekhar Ghosh, Advocate

Ms. Srimoyee Mukherjee, Advocate

.....for the Petitioners

Mr. Saswata Gopal Mukherjee, Ld. Public Prosecutor

Mr. Aniket Mitra, Advocate

..... for the State

Mr. S.K. Moinuddin, Advocate

..... for the de facto complainant

The petitioners have filed the instant application for bail in connection with Pursurah Police Station Case No. 190 of 2020 dated 19.11.2020 under Sections 498A/302/201/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The case is initiated on an unfortunate incident of death of a married lady after nine and half years of marriage by strangulation. The petitioners are the father-in-law and mother-in-law of the deceased lady and applied for bail after remaining in custody for 139 days.

The State opposes the prayer for bail and relies upon the statements of the witnesses including the minor son of the deceased lady recorded under Section 164 of the Code of Criminal Procedure.

After perusing the statements of the witnesses recorded under Section 164 of the Code and the role of the petitioners to the

alleged offence including the leading statement of the husband of the victim lady and the recovery of article so seized, we do not feel further detention of the petitioners is warranted.

As such, the prayer for bail of the petitioners is **allowed**.

Accordingly, the petitioners shall be released on bail on the following conditions:-

- i) The petitioners shall furnish a bond of Rs.10,000/- each, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh;
- ii) The petitioners shall make themselves available on each and every date so fixed by the trial Court;
- iii) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioners the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 1613 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)