

CRM No.1793 of 2021
(Via video conference)

22.04.21
(S.R.)
Sl.135
Ct.28

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Joypur Police Station Case No.110 of 2018 dated 22.12.2018 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3/4 of the D.P. Act;

And

In re: Bhupati @ Mohan Roy

... petitioner.

Ms. Pampa Dey (Dhabal)

... for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. P.P.

Mrs. Manasi Roy

...for the State.

Ms. Dhabal, learned advocate appearing for the petitioner submits that the petitioner is the uncle-in-law of the victim lady. He has been falsely implicated. The allegations levelled against him are unfounded and there are no incriminating materials against him. Upon completion of investigation charge-sheet has also been submitted and as such, further detention of the petitioner, who is in custody for more than 82 days, is not necessary. She further submits that co-accused persons being the husband and father-in-law of the victim lady had already been enlarged on bail.

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

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the fact that other co-accused persons, similarly situated with the petitioner had already been enlarged on bail, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances.

Accordingly, the petitioner, namely, **Bhupati @ Mohan Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, **Bishnupur, Bankura** subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail being CRM No.1793 of 2021 is 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.)