

24.06.2021

Court No.28
Item No.29

Akd
&
Ab

CRM 2113 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Moyna Police Station Case No. 285 of 2020, dated 31.10.2020 under Sections 498A/304B of the Indian Penal Code.

And

In the matter of : **Raju Jana & Anr.**

...Petitioners

Mr. Gouranga Kumar Das.

...For the Petitioners

**Mr. S. Bhattacharyya,
Mr. Md. Kutubuddin,
Mr. M. Dhali.**

...For the State.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Moyna Police Station Case No. 285 of 2020 under Sections 498A/304B of the Indian Penal Code.

Learned Advocate for the petitioners submits that the petitioners have been falsely implicated in connection with the instant case, as the victim lady, who happened to be the wife of the petitioner no. 1, committed suicide by hanging. It is further submitted that a case has been lodged against them and they are languishing in jail for last 235 days.

Learned Advocate for the State opposes the prayer for bail. It is submitted that there is an incriminating material against the petitioners, which would be revealed from the statement of the complainant recorded under Section 161 of the Code of Criminal Procedure. It is further submitted that an unfortunate incident occurred within seven years of marriage and there is an element of physical and mental torture.

After hearing the respective Counsels and on perusal of the materials available in the case diary including the statement of the complainant recorded under Section 161 of the Code of Criminal Procedure, we find that the allegations have been made directly attributable to the conduct of the petitioner no. 1. We thus do not

find any justification in allowing the prayer for bail so far as the petitioner no. 1, namely **Raju Jana**, is concerned. The same is hereby rejected.

However, we do not find any incriminating material against the petitioner no. 2, who happened to be the father-in-law of the victim lady. The prayer for bail so far as the petitioner no. 2 is concerned is allowed.

Accordingly, the petitioner no. 2, **Mantu Jana**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purba Medinipur subject to the condition that the petitioner no. 2 shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner no. 2 fails to do so without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail, being CRM 2113 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)