

24.06.2021

(Via Video Conference)

Court No. 28
Item No. PB-33
nandy/seth

CRM 2230 of 2021

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 25.02.2021 in connection with Krishnaganj Police Station Case No. 190 of 2018 dated 16.08.2018 under Sections 498A/304B/34 of the Indian Penal Code.

and

In the matter of: **Plabon Goyali**

..... Petitioner

Mr. Kaustav Bagchi, Advocate

Mr. Amanul Islam, Advocate

Mr. Sourav Mukherjee, Advocate

.....for the Petitioner

Mr. Sawata Gopal Mukherjee, Learned Public Prosecutor

Mr. Debabrata Chatterjee, Learned A.P.P.

Ms. Manasi Roy, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Krishnaganj Police Station Case No. 190 of 2018 dated 16.08.2018 under Sections 498A/304B/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner though husband of the deceased-victim, has been falsely implicated in this case without transpiring any overt act attributable to the conduct of the petitioner, complained of in this case. It is further submitted that petitioner is in custody for the last 215 days and charge-sheet has been submitted sometimes in 2018. According to the petitioner co-accused persons, similarly circumstanced, have already been released on bail in November 2018. Making such submission, learned Advocate for the petitioner claims to be standing on same footing, being similarly circumstanced, with other co-accused already favoured with bail.

Learned Advocate for the State raises objection capitalizing the

statement of the victim recorded under Section 32 of the Evidence Act. Our attention is drawn to the statement of witnesses recorded under Section 161 of the Code of Criminal Procedure. In both the statements including the dying declaration, omnibus allegations have been raised without revealing the overt act performed by the petitioner, though being husband in this case. Since co-accused similarly circumstanced, had already been favoured with bail vide CRM 9796 of 2018, we don't want to make any distinction from such decision so as to discriminate the petitioner. We find justification to extend the same privilege to petitioner, as already extended to co-accused persons.

Accordingly, the petitioner **(Plabon Goyali)** is 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, Krishnanagar, Nadia subject to condition that during bail the petitioner shall appear before the learned trial Court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with the evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the conditions as enshrined here-in-before, it is open to the trial Court to pass necessary order without any further reference to this Court.

The application being **CRM 2230 of 2021** accordingly **disposed of.**

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)