

25.06.2021

Court No.28
Item No.18

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CRM 2285 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dhantala Police Station Case No. 332 of 2020, dated 16.08.2020 under Sections 498A/304(B)/34 of the Indian Penal Code.

And

In the matter of : **Raju Ghosh**

...Petitioner

Ms. Karabi Roy.

...For the Petitioner

**Ms. Sukanya Bhattacharya,
Mr. Md. Kutubuddin,
Mr. Nirupam Dhali.**

...For the State.

The 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 under Section 439 of the Code of Criminal Procedure after being arrested in connection with Dhantala Police Station Case No. 332 of 2020 under Sections 498A/304(B)/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner is the husband of the deceased victim, and is in custody for the last ten months. In this case, the mother-in-law of the deceased victim has already been granted bail. More so, charge sheet in this case has already been submitted and as such the detention of the petitioner/husband is not justified. The further stand of the defence/petitioner is that the deceased victim herself committed suicide, consequent upon a strained matrimonial relationship for

which no overt act is attributable to the conduct of petitioner in the alleged offence.

Learned Advocate for the State raises objection against the prayer for bail. It is submitted that the role of the husband has been divulged in the statement of neighbours recorded under Section 161 of the Code of Criminal Procedure. Our attention to the Post Mortem report is drawn by the learned Advocate for the State, where non-continuous ligature mark is noted, and upon consideration of which the Autopsy Surgeon opined that the death was due to hanging, ante-mortem in nature. The complicity of petitioner in the alleged offence is thus sufficiently established, State submits.

The significant feature of this case is that the deceased victim suffered death 14 months after her marriage. The Post Mortem report is suggestive of suicide, but whether the death was due to the effects of torture, cruelty or abatement caused by the husband and the other co-accused is a matter to be ascertained during the trial upon appreciating the evidence already collected. Since the husband is in custody for the last ten months and investigation has already been concluded with submission of charge sheet, we are of the view that further detention of petitioner is not justified.

The prayer for bail of the petitioner is thus allowed.

Accordingly, the petitioner, **Raju Ghosh**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further

orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 2285 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)