

14.07.2021

Court No.28
Item No.18

Skb
&
As

CRM 2390 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Palashipara Police Station Case No. 310 of 2020, dated 18.10.2020 under Sections 498A/304B/34 of the Indian Penal Code.

And

In the matter of : **Kartick Saha & Anr.**

...Petitioners

Mr. Sekhar Kr. Basu, Sr. Adv.,
Mr. Prabir Majumder,
Mr. Snehansu Majumder.

...For the Petitioners

Ms. Sukanya Bhattacharyya,
Mr. Nirupam 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 Palashipara Police Station Case No. 310 of 2020, dated 18.10.2020 under Sections 498A/304B/34 of the Indian Penal Code.

This is an application making renewal of the prayer for bail, after it was rejected lastly on 27th January, 2021.

Mr. Sekhar Kr. Basu, Learned Senior Advocate appearing for the petitioners submits that the parents-in-law have been falsely implicated in this case in consequence of a strained matrimonial relationship of the deceased victim with their son/husband, who is already in custody. It is further submitted that charge sheet has already been submitted and as such, further detention of the petitioners is unnecessary. According to the petitioners, they are in custody since 19th October, 2020 and in

the absence of any overt act performed attributable to the conduct of the parents-in-law, further detention would be an unnecessary exercise.

Learned Advocate for the State raises objection against the prayer for bail submitting that the deceased victim suffered death receiving burn injuries eight months after her marriage. The victim was put to suffer oppression and cruelty by her in law members including the petitioners. The statement of the neighbours recorded under Section 161 of the Code of Criminal Procedure and Autopsy report are thus brought to our attention to re-enforce the objection against the prayer for bail.

Having considered the submissions of both sides and bearing in mind the extent of role of petitioners, whom we perceive to be not similarly circumstanced with that of husband of deceased victim, and the period of detention already undergone and that there is least possibility of conclusion of trial immediately, further detention of the petitioners is not justified.

The prayer for bail of the petitioners is thus allowed.

Accordingly, the petitioners **Kartick Saha and Sumitra Saha**, shall be released on bail upon furnishing a bond of Rs.10,000 /- each (Rupees Ten Thousand), with two court sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to the condition that the petitioners shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioners fail 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 2390 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)