

08.11.2021
9
sdas
allowed

CRM 2465 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga Police Station Case No. 378 of 2020 dated 11.08.2020 under Sections 498A/304B/302/34 of the Indian Penal Code and Sections 3/4. Of the Dowry Prohibition Act.

And

In Re : Manirul Islam @ Monirul Mondal petitioner

Mr. D. Deb
Mr. Pabitra Biswas

.....for the petitioner

Mr. S. G. Mukherjee, learned P.P.
Ms. F. Hossain
Mr. Aniket Mitra

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that there is no evidence that the petitioner/husband had administered poison to the housewife. It is further submitted that co-accused persons have been granted bail by a co-ordinate Bench of this Court.

Learned Public Prosecutor submits that the victim/housewife died under unnatural circumstances within one year after marriage.

We have considered the materials on record. No evidence has been collected to show that the petitioner/husband has administered poison to the victim/housewife. No dying declaration of the housewife has been recorded and the co-accused persons have been enlarged on bail. Petitioner is in custody for a protracted period of time and charges have not been framed. Balancing the

gravity of the offence on the one hand and the protracted period of detention already suffered by the petitioner on the other hand and as co-accused persons have already been granted bail, we are inclined to extend the same privilege to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24-Parganas at Barasat, subject to the condition that the petitioner 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 the petitioner 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 is, accordingly, allowed.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)