

01.06.2021
B.D.
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CRM 3066 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of: Parimal Saddar & Anr.

....Petitioners.

Mr. Sabyasachi Banerjee
Mr. Shibaji Kumar Das
Mr. Sunanda Bhattacharya

...for the Petitioners.

Mr. Saswata Gopal Mukherjee
Mrs. Zareen N. Khan
Smt. Sreparna Das

... for the State

The petitioner no. 1 is the father-in-law of the victim lady. The petitioner no. 2 is the brother-in-law of victim lady. Both have been arrayed along with husband of the victim in a case relating to offence under Section 498A/304B/34 of the Indian Penal Code now pending in the Court of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia.

Mr. Banerjee, learned counsel for the petitioners submits that the petitioners are in custody for about 89 days and they have no direct involvement in the commission of offence. It is pointed out that allegation levelled against them are omnibus in nature. Right now husband and mother-in-law are already in custody. The offence alleged is that the victim lady was subjected to mental and physical torture for demand of dowry which compelled her to commit suicide.

At this stage, we can not go into merit of this case. In such cases the husband being the guardian has a responsibility to protect his wife. The petitioner no. 2, is admittedly a police official and was not present at the time of incident.

Taking into consideration the statement of the petitioner no. 1 and other statement as appearing in pages 19,20 and 21 of the case diary and further considering that charge-sheet has already been submitted, the custodial trial of petitioner no. 1, (Parimal Saddar) being the father-in-law and petitioner no. 2, (Ajoy Sardar) the brother-in-law may not be necessary.

As such, we are inclined to release the petitioners no. 1 and 2 on bail. The petitioners may be admitted on bail on condition upon furnishing a bail bond of Rs. 5,000/- (Rupees Five Thousand only) each with two sureties of like amount each ; one of whom must be local subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia.

Thus, the application being CRM 3066 of 2021 is disposed of.

(Aniruddha Roy, J.)

(Shivakant Prasad, J.)