

23.07.2021

37
Ct-28
PJ

CRM 3144 of 2021

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.04.2021 in connection with Kotulpur Police Station Case No. 164/2019 dated 15.11.2019 under Sections 498A/302/304B of the Indian Penal Code and 3/ 4 of the Dowry Prohibition Act;

And

In the matter of: **Biswanath Ash & anr.**
...Petitioners.

Ms. Pampa Dey (Dhabal)

... For the Petitioners.

Ms. Faria Hossain,
Ms. Sonali Das,

... For the State

Parents-in-law are said to be involved in this case for causing dowry death of the deceased victim after putting her to suffer oppression and cruelty in her in-laws house.

Learned advocate for the petitioners submits that the petitioners are parents-in-law and they had no active contribution to the alleged occurrence leading to the death of the deceased and they have been languishing in custody for nearly about 410 days.

It is further submitted that the charge-sheet has already been submitted and with the conclusion of the investigation, further detention of the petitioners is unnecessary.

Learned advocate for the State raises objection against the prayer for bail referring the statement of the parents of the deceased and another witness, who happens to be the grand-daughter of the petitioners.

It is further submitted that few days after marriage, the victim was put to suffer cruelty continuously and ultimately suffered death receiving burn injuries, while in matrimonial house.

We have perused the statement of the parents of the deceased and the grand-daughter of the petitioners and the post-mortem report.

Upon perusal of such statement, the petitioners are not perceived to be similarly circumstanced with the husband of the deceased, who is languishing in custody.

Having considered the submission of both sides and bearing in mind the omnibus allegations raised against the parents-in-law together with the period of detention already suffered by the petitioners, we are of the considered view that further detention of the petitioners is not necessary.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bishnupur, Bankura on condition that during bail they must not tamper with the evidence nor intimidate the witnesses in any manner whatsoever and attend court regularly and face the trial.

In the event of violation of any such conditions, the learned Court shall be at liberty to cancel the bail of the petitioners without any reference to this Court.

Accordingly, the application for bail is allowed.

C.R.M. 3144 of 2021 is thus disposed of.

(Subhasis Dasgupta, J.)

(Shivakant Prasad, J.)