

06.07.2021

(Via Video Conference)

Court No. 28
Item No. 111
Suvayan/sb

CRM 3164 of 2021

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 06.04.2021 in connection with Patashpur Police Station Case No. 406 of 2020 dated 09.11.2020 under Sections 498A/304(B)/34 of the Indian Penal Code.

And

In the matter of: **Dilip Bhanja**

..... Petitioner

Mr. Jayanta Naryan Chatterjee, Advocate

Mr. Nazir Ahmed, Advocate

Mr. Sk Sahajahan Ali, Advocate

Mr. Subir Debnath, Advocate

.....for the Petitioner

Mrs. Sukanya Bhattacharya, Advocate

Mr. Nirupam Dhali, Advocate

Mr. Md. Kutubuddin, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Patashpur Police Station Case No. 406 of 2020 dated 09.11.2020 under Sections 498A/304(B)/34 of the Indian Penal Code.

Learned advocate for the petitioner submits that the petitioner is the father-in-law of the deceased victim, who has been falsely implicated in this case. He has been languishing in custody for last 202 days. Charge-sheet having submitted in this case, further detention is unnecessary. More so, the mother-in-law standing on the same footing has already been released on bail.

Learned advocate for the State raises objection against the prayer for bail. Our attention is drawn to the statement of the witnesses recorded under Section 161 Cr.P.C. and the Post Mortem Report to enforce objection. The deceased victim suffered death by hanging in her

matrimonial home receiving torture, cruelty and oppression by her in-laws members over the issue of post marital demand.

Having considered the submission of both sides and bearing in mind the omnibus allegation raised against the petitioner/ father-in-law, similar to that of the mother-in-law, but not similarly circumstanced with the husband of deceased, without revealing any overt act performed by the petitioner in the alleged death of the deceased, and the period of detention already undergone, we are not in favour of according further detention against the petitioner. The prayer for bail is considered and allowed.

Accordingly, the petitioner is released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, at Contai, Purba Medinipur subject to condition that the said petitioner shall appear before the trial Court on every date of hearing until further order and shall not intimidate witnesses 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 pass necessary order without any reference to this Court.

The application being **CRM 3164 of 2021** accordingly **disposed of.**

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)

