

23.08.2021

CRM 3204 of 2021

court no. : 28
item no. : PB-11
matter : 439
status : ALLOWED
transcriber : nandy

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 08.04.2021 in connection with Tapan Police Station Case No. 354 of 2020 dated 10.11.2020 under Sections 498A/302/34 of the Indian Penal Code read with Sections 3/ 4 of the Dowry Prohibition Act. (G.R. Case No. 1101 of 2020).

and

In the matter of: **Rasid Sarkar @ Rasidul Sarkar**

..... Petitioner

Ms. Busra Khatoon, Advocate

..... for the Petitioner

Ms. Zareen N. Khan, Advocate

Ms. Sreeparna Das, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner is languishing in jail for nearly 253 days in connection with Tapan Police Station Case No. 354 of 2020 dated 10.11.2020 under Sections 498A/302/34 of the Indian Penal Code read with Sections 3/ 4 of the Dowry Prohibition Act.

The case originated on the unnatural death of the petitioner's wife who died of burn injury. After perusing the dying declaration of the deceased and the statement of her son recorded under Section 164 of the Code of Criminal Procedure, we do not think that this is a fit case where the custodial interrogation of the petitioner is required. Furthermore, chargesheet has already been submitted.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner shall be released on bail on the following conditions:-

- i) The petitioner shall furnish a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat.
- ii) The petitioner shall make himself available on each and every date so fixed by the trial Court;
- iii) The petitioner shall not tamper with the evidence and shall not intimidate the witnesses in any manner whatsoever;
- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 3204 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)