

26.07.2021
S.D.
26.

CRM 3324 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.4.2021 in connection with Chandipur Police Station Case No. 299 of 2019 dated 29.12.2019 under Sections 498A/306/34 IPC read with Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of: **Goutam Sahoo @ Gour**

....Petitioner.

Mr. Francis Samson Correa
Mr. Suman De

...for the Petitioner.

Ms. Zareen N. Khan
Ms. Sreeparna Das

....for the State.

The petitioner is the husband of the deceased. The deceased committed suicide after 18 years of marriage on 28.12.2019.

It is submitted by the learned Advocate for the petitioner that the petitioner is in custody for about 205 days. Investigation is concluded and charge sheet has been filed. Two accused persons are already released on anticipatory bail. Therefore, the accused should be enlarged on bail.

Learned Public Prosecutor in-Charge has raised serious objection to the prayer for bail on the ground that there are ample materials on the Case Diary that the deceased was subjected to physical torture even on the date of her committing suicide. The elder daughter of the petitioner and the deceased were mercilessly beaten and both of them committed suicide on the same date.

We have closely perused the statement made by the son of the deceased. It is found that on the date of death, the deceased and her elder daughter were mercilessly beaten. Immediately thereafter, they consumed certain poisonous material. The post-mortem report shows that the autopsy surgeon found reddish brown colour liquid with pungent material in the stomach of the deceased.

We have carefully perused the post mortem report. In the post mortem report, there is no mention of any bodily injury received by the deceased. At the time of post mortem if the deceased was really assaulted immediately before her committing suicide, there must have been some marks of injury on her person.

Considering such aspect of the matter and in view of the fact that the investigation is concluded, we are inclined to release the accused on bail.

The accused may find bail upon furnishing a bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of Rs.10,000/- each; one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Purba Medinipur with further condition that the petitioner must attend the Court proceedings daily without fail.

If he violates any of the above condition, the trial Court shall be at liberty to cancel his bail without further reference to this Bench.

Accordingly, C.R.M. 3324 of 2021 is disposed of.

(Bibek Chaudhuri, J.)

(Shivakant Prasad, J.)

