

21.09.2021
Item no.54.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4368 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 29.06.2021 in connection with Pursurah Police Station Case No.14 of 2021 Dated 25.1.2021 under Sections 498A/304B of the Indian Penal Code read with Section 4 of the D. P. Act

And

In the matter of : Suman Patra

.....Petitioner.

Mr. N. S. Ghosh,
Ms. S. Mukherjee for the Petitioner.

Mr. S. G. Mukherjee, Id. PP,
Ms. Faria Hossain,
Mr. Aniket Mitra for the State.

The petitioner is the husband of the victim lady. The petitioner says that he has been falsely implicated. He never demanded dowry from his wife nor tortured her in any manner. It was only that he requested his wife to use the mobile phone less frequently. Being upset, his wife consumed poison. The petitioner took her to the hospital immediately. Subsequently, his wife died.

We have seen the post mortem report as also the statements of neighbours. The allegations in such statements

are general in nature indicating that there used to be quarrels between the couple.

Charge sheet has been submitted upon completion of investigation. The petitioner is in custody for 232 days.

On an overall consideration of the facts and circumstances of the case, the material on record and the extent of possible complicity of the petitioner in the alleged offence, we are of the opinion that further custodial detention of the petitioner is not necessary and he may be enlarged on bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely Suman Patra shall be 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, Arambagh, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)