

24.08.2021  
Item no.72.  
Court No.32.  
AB  
**(Allowed)**

**(Via Video Conference)**

**CRM No. 4438 of 2021**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 30.06.2021 in connection with Ashoknagar Police Station Case No.277 of 2020 Dated 23.4.2021 under Sections 498A/304B/302/34 of the Indian Penal Code

And

**In the matter of : Debasish Mukherjee .....Petitioner.**

Mr. Anshuman Chakraborty .....for the Petitioner.

Ms. Faria Hossain,  
Mr. Aniket Mitra .....for the State.

The petitioner is the husband of the victim, who died of burn injuries. It is submitted on behalf of the petitioner that he has been falsely implicated. Out of five accused persons, four have been granted bail/anticipatory bail. The petitioner stands on the same footing. He is in custody for about 396 days.

The State opposes the prayer for bail and refers to the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure.

We have perused the material in the case diary. The petitioner is in custody for a considerable period of time. Co-accused persons similarly circumstanced with the petitioner have been granted bail/anticipatory bail earlier. Charge sheet has been submitted.

In view of the material available in the case diary and also as charge sheet has been submitted and also in view of the period of detention of the petitioner and as co-accused persons have been granted bail/anticipatory bail earlier, we are inclined to extend the same privilege to the petitioner also.

Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, North 24 Parganas at Barasat, 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.

**(Suvra Ghosh, J.)**

**(Arijit Banerjee, J.)**

