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26-08-2021
(ct. no.32)
KOLE
Allowed

CRM 4498 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Arambagh Police Station** Case No. **189 of 2020** dated **19.05.2020** under Sections **498A/302/201/304B/34** of the Indian Penal Code.

- A n d -

In the matter of : Rabin Bera

.... Petitioner.

Mr. S. Datta,
Mr. A. Mitra,
Mr. T Singha Roy

... For the Petitioner.

Mr. Bidyut Kumar Roy,
Mrs. Rita Dutta,
Mrs. P. Saha

... For the State.

The petitioner is the step-son of the victim lady. The petitioner says that he has no role to play in the death of the victim. He has been falsely implicated.

The State draws our attention to the statement of the daughter of the victim lady. The thrust of the allegation in her statement recorded under Section 164 of the Code is against her father being the husband of the victim. The post mortem report indicates that the cause of death is strangulation.

Prima facie, we do not find anything in the case diary which directly implicates the petitioner.

The petitioner has been in custody for 276 days. Charge sheet has been submitted.

On an overall assessment of the material on record, we are of the view that further custodial detention of the petitioner is not necessary and his prayer may be acceded to.

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 Additional Chief Judicial Magistrate, Arambagh and on further conditions that he shall not leave 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.)