

16.11.2021

Court No.28
Item No.91
(Allowed-in-
part)

Saswata

CRM 5435 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Gangnapur Police Station Case No. 43 of 2021 dated 16.03.2021 under Sections 498A/302/304(B) of the Indian Penal Code;

And

In the matter of : **Sanjit Bhowmick & Anr.**

...Petitioners

Mr. Shibaji Kumar Das

Ms. Rupsa Sreemani

...For the Petitioners

Mr. Sawata Gopal Mukherjee, Ld. PP

Ms. Sayanti Santra

... For the State

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangnapur Police Station Case No. 43 of 2021 under Sections 498A/302/304(B) of the Indian Penal Code.

Learned Advocate for the petitioners submits that the petitioners have been languishing in jail for 250 days in connection with the aforementioned case. The case has been initiated on the death of the deceased by hanging within 2 years of marriage.

It is further submitted that the mother-in-law of the deceased has already been granted anticipatory bail by the Sessions Judge.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

It is submitted that the role of the petitioners have been disclosed in the statements of the relatives of the deceased recorded under Section 164 of the Code of Criminal Procedure.

After hearing respective submissions and on perusal of the materials from the case diary including the statements of the relatives of the deceased recorded under Section 164 of the Code of

Criminal Procedure, we find incriminating materials against the petitioner no. 2, i.e., the husband of the deceased. His role in the commission of offence cannot be ruled out at this stage.

We further find that the petitioner no. 1, i.e., the father-in-law of the deceased stands on the same footing with that of his wife, who had been granted the benefit of Section 438 of the Code of Criminal Procedure.

In view of the above, the prayer for bail of the petitioner no. 2, Sanatan Bhowmick is ***rejected***.

The prayer for bail of the petitioner no. 1, Sanjit Bhowmick, is ***allowed***.

Accordingly, the petitioner no.1, **Sanjit Bhowmick** is directed to be released on bail upon furnishing a Bond of ₹10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, to the satisfaction of Learned Additional Chief Judicial Magistrate, Ranaghat subject to the condition that during bail he shall appear before the learned Trial Court regularly and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner no. 1, **Sanjit Bhowmick** fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 5435 of 2021, is thus **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta,J.)

