

CRM No.5607 of 2021
(Via video conference)

29.11.21
(S.R.)
Sl.14
Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Nanadakumar** Police Station Case No.117 of 2021 dated 10.03.2021 under Sections 498A/304B/34 of the Indian Penal Code (G.R. Case No.596 of 2021);

And

In re: Chandan Jana

... petitioner.

Ms. Sayanti Santra

... for the petitioner.

Mr. P.K. Datta

Mr. Santanu Deb Roy

...for the State.

Mr. Kalyan Ghosh

Mr. Smonath Banerjee

... for the *de facto* complainant.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is the elder brother of the principal accused, who had already been granted statutory bail. No overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for 160 days is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of witnesses as recorded under Section 161 of the Code and the post-mortem report. He further submits that the death occurred about 40 days after the marriage of the victim girl with the brother of the petitioner herein.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is

not warranted in the facts and circumstances of the case.

Accordingly, 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, **Purba Medinipur**.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for hearing.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM No.5607 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)