

07.12.2021
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Partly Allowed

**CRM 5713 of 2021
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 326 of 2021 dated 14.05.2021 under Sections 498A/304B/34 of the Indian Penal Code and adding Section 3/4 of the Dowry Prohibition Act.

In Re : Sri Sanatan Das & Ors. petitioners

Ms. Sananda Bhattacharyya
.....for the petitioners

Ms. Zareen N. Khan
Mr. Ashok Das
....for the State

Learned Counsel appearing for the petitioners submits that the petitioners are in custody for 183 days It is further contended that the petitioner no. 1 is the uncle-in-law of the deceased and petitioner no. 2 is his son. They reside in a separate mess and did not play any role in the matrimonial life of the deceased.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the statements of witnesses particularly that of the neighbours. Although all the petitioners appear to be present at the spot, deceased stated dowry demands were made particularly by her mother-in-law i.e. petitioner no. 3. Petitioner nos. 1 and 2 may have arrived at the spot after hearing hue and cry like other neighbours as it is claimed that they resided in separate mess.

In view of the aforesaid facts, we are inclined to grant bail to the petitioners no. 1 and 2.

Accordingly we direct that the petitioners no. 1 and 2 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, on condition that they 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioners no. 1 and 2 are concerned.

However, in the light of the materials on record which show that the demand of dowry was essentially made by petitioner no. 3, we are not inclined to grant bail to the petitioner.

Accordingly, application for bail in so far as petitioner no. 3 concerned is, thus, rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

