

07.12.2021.
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(Allowed)

C.R.M. 5728 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Patashpur P. S. Case No.285 of 2020 dated 28.07.2020 under Sections 498A/304(B)/34 of the Indian Penal Code.

In the matter of : Debu Bera.

.... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Sk. Sahjahan Ali,
Ms. Jayashree Patra,
Ms. Ritushree Banerjee,
Ms. Pritha Sinha.

...for the Petitioner.

Mr. Navanil De.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for more than 496 days. It is submitted materials on record do not show that soon before the death, the victim housewife was subjected to harassment over dowry.

Learned Advocate appearing for the State opposes the prayer for bail and submits in addition to dowry demands, victim lady found that the petitioner had suppressed an earlier marriage. Subsequently, she committed suicide.

We have considered the materials on record. Whether suicide of the housewife was preceded by harassment over dowry may be assessed in the course of trial. However, in the facts and circumstances of the case, period of detention already suffered and as there is little possibility of trial

concluding in the near future, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Contai, Purba Medinipur subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application, being C.R.M.5728 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)