

01.12.2021
Court No.32
Item No. 07
Avijit Mitra

CRM 5758 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Monotosh Majumder

- Petitioner

Ms. Subhasree Patel,
Mr. Soham Banerjee,
Ms. Saini Das

For the Petitioner

Mr. P.K. Datta,
Mr. S.D. Ray

For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ranaghat Police Station Case No.48 of 2020 dated 21.02.2020 under sections 498A/304B/34 of the Indian Penal Code and subsequently added Sections 498A/306/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He was not present at the place of occurrence. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 155 days, is not required. He further submits that initially an F.I.R. was registered under Sections 498A/304B/34 of the Indian penal Code but chargesheet was ultimately submitted under Sections

498A/306/34 of the Indian Penal Code. According to him, there is no allegation to the effect that the petitioner had instigated the victim lady to commit suicide.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of the witnesses and the *post-mortem* report.

Having heard the learned advocates for the respective parties and considering 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 present case.

Accordingly, we allow this application and direct that the petitioner, namely, **Monotosh Majumder**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia with a further condition that the petitioner shall reside within the jurisdiction of Ranaghat Police Station and shall also attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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.

With the aforesaid observations, the application for bail, being CRM No. 5758 of 2021 is 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.)