

CRM No.6046 of 2021

Via video conference

01.12.21

(S.R.)

Sl.155

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kotulpur** Police Station Case No.164 of 2019 dated 15/11/2019 under Sections 498A/302/304B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act (G.R. Case No.164 of 2019);

And

In re: Bablu Ash

... petitioner.

Mr. Pampa Dey (Dhabal)

... for the petitioner.

Mr. S.G. Mukherjee, Ld. PP

Ms. Faria Hossain

Ms. Sonali Das

...for the State.

The learned advocate appearing for the petitioner submits that no overt act has been attributed to the petitioner. Co-accused persons similarly situated with the petitioner had already been granted bail. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for more than two years, is not necessary.

Mr. Mukherjee, learned Public Prosecutor, appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. Answering a query of this Court, Mr. Mukherjee submits that charges have not yet been framed. A report filed to that effect, as produced, be kept on record.

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 necessary.

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, Bishnupur, Bankura.

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.6046 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.)