

29.11.2021
Court No.32
Item No. 28
Avijit Mitra

CRM 6114 of 2021

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

And

In Re : Rabindra Nath Sil & anr.

- Petitioners

Mr. Sudip Ghosh Chowdhury

For the Petitioners

Ms. Sukanya Bhattacharya,

Md. Kutubuddin

For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mogra Police Station Case No. 31 of 2019 dated 30.01.2019 under sections 498A/406/307 of the Indian Penal Code.

Mr. Ghosh Chowdhury, learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law and the petitioner no.2 is the mother-in-law of the victim. They are both aged persons. The allegations levelled are in abstract. Co-accused persons similarly situated with the petitioners have already been granted anticipatory bail. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the petitioners, who are in custody for about 138 days is not necessary.

Ms. Bhattacharya, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the

statement of the witnesses as well as the medical report. She submits that the materials would reveal that the petitioners herein are directly involved in the alleged offence and in view thereof, the present application needs to be rejected.

It appears that the co-accused persons named in the statement of the witnesses as recorded under Section 161 of the Code have been granted anticipatory bail. Considering the nature of allegations, the period of detention and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that further detention of the petitioners is not warranted more so when, both of them are aged persons and *prima facie* there is no likelihood that they would flee from justice.

Accordingly, we allow this application and direct that the petitioners, namely, **Rabindra Nath Sil and Ruma Sil**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Hooghly with a further condition that they shall not enter the jurisdiction of Mogra Police Station and shall intimate the address where they would be residing to the Inspector-in-Charge, Mogra Police Station immediately. They shall also attend the learned trial court on all the dates, as specified for hearing.

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

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the

learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.6114 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.)