

22.09.2021
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Sdas
Partly Allowed

CRM 6180 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Indas Police Station Case No. 38 of 2021 dated 16.03.2021 under Sections 498A/304B/120B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In Re : Uttam Roy & Anr. petitioners

Ms. Pampa Dey (Dhabal)
.....for the petitioners

Mr. S. G. Mukherjee, learned P.P.
Ms. Faria Hossain
Mr. Aniket Mitra
....for the State

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that the police concluded the investigation and submitted charge-sheet. She draws the attention of the Court to the post mortem report and submits that there are no eye-witnesses to the incident. Further detention of the petitioners is not required.

Learned advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Code of Criminal Procedure and the post mortem report. He also submits that petitioner no. 1 is the father-in-law of the deceased while petitioner no 2 is her husband.

Considering the materials in the case diary and considering the fact that police submitted charge-sheet and that

the petitioner no 1 does not stand on the same footing as that of the petitioner no. 2, we are unable to grant bail to the petitioner no. 2 who appears to be the principal accused from the materials available in the case diary.

Accordingly, application for bail in so far as petitioner no. 2 is concerned is, thus, rejected.

However, in the light of extent of complicity of the petitioner no. 1, we are inclined in granting bail to the petitioner no. 1.

Accordingly we direct that the petitioner no. 1 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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, and petitioner no. 1 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 the petitioner no. 1 fails to appear before the trial court without 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 for bail is, accordingly, allowed in so far as petitioner no. 1 is concerned.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

