

10.12.2021
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allowed

**CRM 6473 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Katwa Police Station Case No. 524 of 2019 dated 22.10.2019 under Sections 498A/304B/302/120B of the Indian Penal Code.

And

In Re : Joydeb Bag & Anr.. petitioners

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji
Ms. Snidgha Saha
Mr. Pronay Basak
Ms. Trisha Rakshit

.....for the petitioners

Mr. Prasun Kumar Dutta, learned APP
Mr. Subrato Roy

..... for the State

It is submitted by the learned Counsel appearing for the petitioners that they are in custody for two years and one month. They renew their prayer for bail. It is further submitted that there is no progress in the matter since the rejection of bail by this Court.

Learned Counsel appearing for the State opposes the prayer for bail and submits the victim was assaulted by her husband and the in-laws i.e. the petitioners herein resulting in her death. It is further submitted case has been committed to the Court of Sessions.

We have considered material on record. There is no direct evidence that the petitioners assaulted the housewife. All the statements of the witnesses are hearsay in nature.

Postmortem report discloses a single serious injury on the stomach of the victim. Other injuries are superficial in nature. There is little possibility of the trial concluding in the near future.

In view of the aforesaid fact and the extent of complicity of the petitioners in the alleged crime and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Katwa, subject to the condition that the petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)