

CRM No.7032 of 2021

Via video conference

13.12.21

(S.R.)

Sl.10

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Goghat** Police Station Case No.173 of 2021 dated 02/07/2021 under Sections 498(A)/406/494/304B/34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act;

And

In re: Presenjit Sasmal

... petitioner.

Ms. Jeenia Rudra

Ms. Sahili Dey

... for the petitioner.

Mr. Prasun Kr. Datta

Mr. Nirupam Dhali

...for the State.

Ms. Rudra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred about two and half years after the marriage. The allegations are *omnibus* in nature and upon completion of investigation charge sheet has also been submitted. In view thereof, the petitioner, who is languishing in custody for about 170 days, may be enlarged on bail on any stringent condition.

Mr. Dhali, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Section 164 of the Code and the post-mortem report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, 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 more so when upon completion of investigation charge sheet has been submitted. However, his movement needs to be restricted.

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, Arambagh, Hooghly with a further direction that the petitioner shall not leave the jurisdiction of **Goghat** Police Station until further orders save and except for attending the learned court below on all the dates as specified for hearing. He shall also meet with the officer-in-charge of **Goghat Police Station** once a fortnight on and from 20th December, 2021.

It is further directed that the petitioner shall not intimidate the witnesses 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.

The application for bail being CRM No.7032 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.)