

10.11.2021

CRM 7086 of 2021

Court No.28
Item No.12
(Allowed)

Akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kaliganj Police Station Case No. 288 of 2021 dated 02.06.2021 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act;

And

In the matter of : **Shibaprasad Chowdhury and Anr.**
...Petitioners.

Mr. Amanul Islam,
Mr. Sourav Mukherjee.

...For the Petitioners.

Mr. Bidyut Kumar Roy,
Ms. Rita Datta.

...For the State.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Kaliganj Police Station Case No. 288 of 2021 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

Learned Advocate for the petitioners submits that the petitioners are in custody for nearly 152 days in connection with the aforementioned case. It is further submitted that two of the co-accused, i.e. the mother-in-law and sister-in-law, had already been extended the benefit of anticipatory bail and the petitioners standing on the same footing should also be released on bail.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the statement of the cousin of the victim girl recorded under Section 164 of the Code of Criminal Procedure clearly indicates the complicity of the petitioners to the alleged offence and, therefore, they should not be released on bail simplicitor on the ground of parity.

After hearing the respective submissions of the parties and on perusal of the materials available in the case diary including the statement of the cousin recorded under Section 164 of the Code of Criminal Procedure, we find that specific

allegation has been made against the petitioner no. 1, the husband of the victim girl. There is no statement towards the complicity of the petitioner no. 2 to the alleged offence discerned from the statement of the said cousin and, therefore, we feel that the petitioner no. 2 is entitled to bail.

Therefore, the prayer for bail of the petitioner no. 1 is hereby rejected and the petitioner no. 2 is entitled to the benefit of bail under Section 439 of the Code of Criminal Procedure.

Accordingly, the petitioner no. 2, **Goutam Chowdhury**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnanagar, Nadia, subject to the condition that the petitioner no. 2 shall make himself available on each day of listing of the matter before the Court and the default on any solitary occasion without any justifiable cause may disentitle him to the privilege of bail granted by this Court without further reference to this Court.

The application for bail being **CRM 7086 of 2021** is thus **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)