

20.12.2021

Court No.32
rpan / 20

C.R.M. 7795 of 2021

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

And

In re : **Bishu Mahalder & Another**

– Petitioners

Mr. Pawan Kumar Gupta,

Mr. Rafiqul Islam

... for the Petitioners.

Mr. Prasun Kumar Dutta,

Mr. Sujoy Sarkar

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Harishchandrapur P.S. Case No. 785 of 2021 dated 21.10.2021 under Sections 498A/306/34 of the Indian Penal Code, 1860 [G.R. No. 2518 of 2021].

Mr. Gupta, learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband and the petitioner no.2 is the father-in-law of the victim, who committed suicide about 15 years after the marriage. Both the petitioners have been falsely implicated and the accusations are omnibus in nature. In the said conspectus, the petitioners may be enlarged on bail on any stringent condition, as they have already suffered incarceration for more than 55 days.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses 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 petitioners in the alleged offence, we are of the opinion that further detention is not necessary.

Accordingly, we allow this application and direct that the petitioners, namely, **Bishu Mahalder** and **Sushil Mahalder**, 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 Additional Chief Judicial Magistrate, Malda with a condition that the petitioner not no.1 shall meet with the investigating officer once a week on and from 27th December, 2021 till investigation is complete.

It is further directed that the petitioners shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.7795 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)

