

20.12.2021

Court No.32
rpan / 32

C.R.M. 7837 of 2021

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

And

In re : **Shyamal Bagdi**

– Petitioner

Ms. Sibangi Chattopadhyay (through v.c.),

Mr. Sobhan Biswas

... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Ms. Faria Hossain,

Mr. Aniket Mitra

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Md. Bazar Police Station Case No. 179 of 2021 dated 13.07.2021 under Sections 498A/302/34 of the Indian Penal Code, 1860 [G.R. No. 767 of 2021].

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred about five years after the marriage of the petitioner with the victim lady. He has two minor children, who are presently aged about 4 years and 8 months respectively and they are presently residing with the parents of the petitioner herein. He has already suffered incarceration for about 94 days. The accusations are omnibus in nature and in the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the post-mortem report. She submits that investigation is in progress.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, a perusal of the post-mortem report reveals that the victim committed suicide. Considering the nature of allegations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention is not warranted. However, his movement needs to be restricted, as investigation is still continuing.

Accordingly, we allow this application and direct that the petitioner, namely, **Shyamal Bagdi**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Suri Birbhum with further conditions that he shall not leave the jurisdiction of Md. Bazar Police Station, save and except for attending the Trial Court on the dates specified for hearing, and shall also meet with the investigating officer of the case once a week on and from 27th December, 2021 until further orders.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

With the aforesaid observations, the application for bail, being CRM No.7837 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)