

24.12.2021

Court No.32
rpan/19

CRM 7916 of 2021

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

And

In Re : **Babulal Ghosh**

- Petitioner

Mr. Angshuman Chakraborty,
... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy
... for the State

Leave is granted to the learned advocate-on-record of the petitioner to correct the cause title of the application for bail.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Deganga Police Station Case no.419 of 2021 dated 30.07.2021 under Sections 498A/304B/302 of the Indian Penal Code, 1860 and adding Sections 3/4 of the Dowry Prohibition Act [Chargesheet submitted under Sections 498A/304B/306 of the Indian Penal Code, 1860 and adding Sections 3/4 of the Dowry Prohibition Act].

Mr. Chakraborty, learned advocate appearing for the petitioner submits that on the fateful date, i.e., on 29th July, 2021, the petitioner was in his office. He has been falsely implicated. The victim, being the wife of the petitioner, committed suicide along with their two minor children. Neither did the petitioner

instigate the victim nor he has any nexus with the alleged offence. However, he has suffered long incarceration for about 190 days. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner is not warranted.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and submits that the victim committed suicide and her body was recovered on 30th July, 2021 but prior to the fateful day, there was a quarrel in the victim's matrimonial house. There are incriminating materials on record against the petitioner and as such, he is not entitled to the relief as prayed for.

We have heard the learned advocates and perused the materials on record including the statements of the witnesses and assessed the role of the petitioner.

Prima facie, there are inconsistencies in the statements of the witnesses. Considering the nature of accusations and since the petitioner had already suffered incarceration for about 190 days, we are of the opinion that further detention of the petitioner is not warranted, more so when, upon completion of investigation, charge sheet has already been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Babulal Ghosh**, 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 Chief Judicial Magistrate, Barasat, North 24-Parganas.

It is further directed that the petitioner shall attend the Trial Court 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 petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned trial court 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.7916 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)