

10.12.2021
Sl. No.154
akd
[ALLOWED]

C. R. M. 8228 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.12.2021 in connection with Taherpur Police Station Case No. 175 of 2021 dated 17.07.2021 under Sections 498A/304B/302 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re: ***Bijoy Dutta***

... .. Petitioner

Ms. Minoti Gomes

... .. for the petitioner

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Mr. Arani Bhattacharyya

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 143 days. It is further submitted that the victim suffered accidental burn. Petitioner tried to save the victim and also suffered burn injuries.

Learned advocate appearing for the State opposes the prayer for bail and draws our attention to the statement of one Mousumi Nandy, sister of the deceased.

We have considered the materials on record. There are contradictory dying declarations. In the medical papers at page 49 of the case diary, it is stated that the victim suffered burn injuries from mosquito coil. However, her sister namely, Mousumi states victim told her petitioner had initially put lighted match sticks on her body and thereafter, the victim committed suicide. In view of the aforesaid contradictory dying declarations and the fact that the petitioner also suffered burn injuries and the period of detention suffered by him, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Bijoy Dutta***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)