

30.07.2021

Court No.30
rpan/ **05**

CRM 10668 of 2020

(Via video Conference)

In Re : **Tarak Paul**

- Petitioner

Mr. Shekhar Barman

... for the petitioner

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

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 Habra Police Station Case No. 215 of 2020 dated 10.05.2020 under sections 498A, 302, 304B, 120B of the Indian Penal Code.

Mr. Barman, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is the brother-in-law of the victim lady. No overt act has been attributed to the petitioner. Co-accused persons, similarly situated with the petitioner, have already been granted bail by a co-ordinate Bench of this Court. Upon completion of investigation, charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for more than a year, is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statements of neighbours, as recorded under Section 161 of the Code of

Criminal Procedure. Let the report, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie, no specific overt act has been attributed to the petitioner. Similarly situated co-accused persons have already been granted bail by co-ordinate Bench of this Court. Considering the nature of allegations, the extent of involvement of the petitioner in the alleged offence and his period of detention, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case, more so when, upon completion of investigation charge sheet has already been filed.

Accordingly, we direct that the petitioner, namely, **Tarak Paul**, shall be released on bail upon furnishing a bond of ₹20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat, North 24-Parganas.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

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. 10668 of 2020 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Subhasis Dasgupta, J) (Tapabrata Chakraborty, J)