

12.08.2021

Court No. 28
Item No. JB - 05
nandy

(bail - allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 669 of 2021

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 16.06.2021 in connection with Bagdogra Police Station Case No. 83 of 2021 dated 28.02.2021 under Sections 498A/302 of the Indian Penal Code. (G.R. Case No. 687 of 2021).

and

In the matter of: **Mukesh Kumar Thakur**

..... Petitioners

Mr. Deborshi Dhar, Advocate

Mr. Arnab Sengupta, Advocate

..... for the Petitioner

Mr. Aditi Sankar Chakraborty, Learned A.P.P.

Mr. Tapan Bhattacharya, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Bagdogra Police Station Case No. 83 of 2021 dated 28.02.2021 under Sections 498A/302 of the Indian Penal Code.

Chargesheet has been submitted by the Investigating Officer under Section 498A/302 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act. The postmortem report annexed to the instant application would reveal the cause of death by hanging. The prosecution is solely relying upon the statement of the landlord and his wife recorded under Section 161 of the Code of Criminal

Procedure which does not disclose the ingredients required to be present for invoking the provisions contained under Section 302 of the Indian Penal Code. At best, it can be a case of abatement to suicide and depends upon the quality of evidence to be adduced in this regard.

Since we do not find any justification in keeping the petitioner in custody after the chargesheet is filed, the application for bail is **allowed**.

Accordingly, the petitioner shall be released on bail on the following conditions:-

- i) The petitioner shall furnish a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri;
- ii) The petitioner shall make himself available on each and every date so fixed by the trial Court;
- iii) The petitioner shall not tamper with the evidence and shall not intimidate the witnesses in any manner whatsoever;
- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 669 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)

