

17.08.2021
Item no. 01 (J.C.)
Court No.32.
S.De.
(Allowed)

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM 750 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 09.07.2021 in connection with Cooch Behar Sadar Woman Police Station Case No. 84 of 2019 dated 15.10.2019 under Sections 498A/307/34 adding Section 302 of the Indian Penal Code.

And

In the matter of : Rajesh Sarkar.

.....Petitioner.

Md. Sabir Ahmed, Advocate,
Mr. Hillol Saha Podder, Advocate,

.....for the Petitioner.

Mr. Tapan Bhattacharyee, Advocate,
Ms. Namrata Das, Advocate,

.....for the State.

The petitioner is the brother-in-law of the victim lady.

The petitioner says that the victim quarrelled with her husband and set herself on fire. She subsequently succumbed to the burn injury four days later in hospital.

We have considered the material in the case diary. There is no statement of the victim. Charge sheet has been filed. The petitioner is in custody for 270 days. There, prima

facie, does not appear to be anything in the case diary which could directly implicate the petitioner.

We have considered the Post Mortem Report also. It does not mention the degree of burn suffered by the victim.

The State opposes the prayer for bail.

Considering the entire material on record and since charge sheet has been filed, we are of the view that no useful purpose will be served by keeping the petitioner in custody any further.

Accordingly, we direct that the petitioner 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 local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar, and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)