

03.12.2021

Item No.11

Ct.No.1

K.B/b.r.

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Criminal Appellate Jurisdiction

C.R.M. 1084 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Siliguri P.S. Case No. 1215 of 2021 dated 05.10.2021 under Sections 498A/377/313/354/354B/509/506 and 34 of the Indian Penal Code read with Section 3 and 4 Dowry Prohibition Act, corresponding to GR Case No. 4679 of 2021.

And

In the matter of : **Manash Ghosh**

... Petitioner.

Mr. Sayan De
Mr. Arnab Sengupta
Mr. Deborshi Dhar
Mr. Sounabha Saha
Mr. Tarun Sharma
Ms. Esha Acharya

... for the petitioner

Ms. Sukanya Adhikary

.... For the de facto complainant

Mr. Nilay Chakraborty

Mr. Biswarup Roy

... For the State.

Learned advocate for the petitioner submits that the petitioner is in custody for about 58 days and further detention of the petitioner is unwarranted. Further the investigating agency has not examined for a considerable period of time when the petitioner was in custody.

Learned advocate for the State opposes the prayer for bail and draws the attention of this Court to the relevant statement of the witnesses.

Learned advocate for the de facto complainant has also placed and produced some documents relating to the health of the father of the de facto complaint which has caused the delay for lodging the registration of the FIR.

We have considered the submissions of the parties and also perused the case diary.

Having regard to the period of detention suffered by the present petitioner, we are of the view that further detention of the petitioner is unwarranted in the facts and circumstances of this case and as such he is entitled to be released on bail.

Accordingly, we direct that the petitioner, namely, **Manash Ghosh** shall 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 A.C.J.M., Siliguri and on further condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

While on bail, the petitioner shall meet with the Investigating Officer of the case once a week until further orders.

The application for bail, being CRM 1084 of 2021, is, thus, allowed.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)