

18.02.2022
Court No.32
Item No. 15
Avijit Mitra

C.R.M. (DB) No.52 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sudip Halder

Petitioner

Mr. Prabir Majumder

For the Petitioner

Mr. Partha Pratim Das,
Ms. Manasi Roy

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Gangnapur Police Station Case No. 160 of 2021 dated 15.08.2021 under sections 498A/304B/34 of the Indian Penal Code.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No specific overt act has been attributed to the petitioner. His wife committed suicide. Upon completion of investigation chargesheet has already been submitted and all other co-accused persons have already been enlarged on bail. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition, more so when he has suffered long incarceration for more than 190 days.

Mr. Das, the learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as well as the *post-mortem* report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, no specific overt act has been attributed to the petitioner. Considering the nature of accusations, the period of detention and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Sudip Halder**, 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 a local, to the satisfaction of the learned District and Sessions Judge, Nadia.

The petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned Court below on all the dates as specified for hearing.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

Accordingly, the application for bail, being CRM (DB) No.52 of 2022, is disposed of.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)

