

18.02.2022
Item No.33
Court No.32
Ss

C.R.M. (DB) 72 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure Code.

And

In Re: Rintu Bera

... Petitioner.

Mr. Amal Krishna Samanta

... for the Petitioner.

Mr. Bidyut Kumar Roy

Ms. Sima Biswas

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chandipur P.S. Case No. 239 of 2021 dated 29.08.2021 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The wife of the petitioner committed suicide. No specific overt act has been attributed to the petitioner. Upon completion of investigation, charge sheet has also been submitted and as such further detention of the petitioner, who is in custody for about 161 days, may not be necessary and he may be enlarged on bail.

Mr. Bidyut Kumar Roy, learned Advocate appearing on behalf of the State opposes the petitioner's prayer and draws our attention to the statement of the victim as recorded under Section 164 and the statements of other witnesses recorded under Section 161 of the Cr. P.C. as well as the post-mortem report.

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

In the victim's statement as recorded under Section 164 it has inter alia been stated that she locked herself in a bathroom and set fire upon her own body. No specific overt act has been attributed to the petitioner. Considering the manner in which the offence has taken place, the nature of accusations 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, more so when upon completion of investigation charge-sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Rintu Bera**, 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 Chief Judicial Magistrate, Purba Medinipur.

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

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.

With the aforesaid observations, the application for bail, being CRM (DB) 72 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.)