

28.02.2022

Court No.32

rpan/ **20**

CRM (DB) 147 of 2022

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

And

In Re : **Ratan Chowdhury & Another**

- Petitioners

Mr. Debabrata Ray,

Ms. Karabi Roy (through v.c.)

... for the Petitioners.

Mr. P. K. Datta,

Mr. Santanu Deb Roy

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Kaliganj Police Station Case no. 288 of 2021 dated 02.06.2021 under Sections 498A/304B/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, 1961.

At the outset, Ms. Roy, learned advocate appearing for the petitioners, submits that in CRM 7086 of 2021 the prayer for bail of the petitioner no.1 therein, namely, Shibprasad Chowdhury was rejected considering him to be the husband of the victim girl.

She submits that allegations are omnibus in nature. The mother-in-law and the sister-in-law of the victim lady have already been granted anticipatory bail by the learned Sessions Court. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioners, who

are in custody for about 267 days, may not be necessary and they may be enlarged on bail on any stringent condition.

Mr. Datta, learned Additional Public Prosecutor appearing for the State opposes the petitioners' prayer and submits that the incident occurred within a month after the marriage of the victim lady. Drawing our attention to the statements of the witnesses and the post-mortem report, he submits that the petitioners are not entitled to the relief as prayed for.

Heard the learned advocates and considered the materials in the case diary.

In the present pandemic situation prayer for bail needs to be considered liberally. Such prayer may be granted unless custodial detention is absolutely essential. In the present case, upon completion of investigation charge sheet has already been submitted and the petitioners have suffered long incarceration for about 267 days. In the said conspectus, further detention is not warranted.

Accordingly, we allow this application and direct that the petitioners, namely, **Ratan Chowdhury** and **Shibprasad Chowdhury** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia with a further condition that they shall not leave the jurisdiction of Kaliganj Police Station until further orders, save and except for attending the learned Trial Court on the dates specified for hearing.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 147 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.)