

28.02.2022

Court No.32
rpan/ **46**

C.R.M. (DB) 198 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Hanskhali P.S. Case No. 555 of 2021 dated 03.08.2021 under sections 498A/304B/34 of the Indian Penal Code .

And

In Re : **Dilip Sharma & Another**

- Petitioners.

Mr. Prabir Majumder

... for the Petitioners.

Ms. Zareen N. Khan,

Mr. Md. Kutubuddin

... for the State.

Mr. Majumder, learned advocate appearing for the petitioners submits that the petitioner no.1 is the father-in-law and the petitioner no.2 is the brother-in-law of the victim lady and they have been falsely implicated in an alleged incident which occurred about three years after the marriage. The husband of the victim is already in custody. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioners, who have already suffered incarceration for about 209 days, may not be necessary and they may be enlarged on bail on any stringent condition.

Mr. Kutubuddin, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Sections 161 and 164 of the Code as well as the post-mortem report.

Having heard the learned advocates and considering the materials in the case diary, the manner in which the offence has taken place, the nature of accusations, the period of detention already suffered and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that further detention of the petitioners is not warranted, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioners, namely, **Dilip Sharma** and **Anup Sharma** 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, Ranaghat, Nadia.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and 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 his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 198 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.)