

CRM (DB) 362 of 2022
(via video conference)

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

And

In Re : Soumitra Roy @ Raj

.....Petitioner

Ms. Minoti Gomes
Ms. Sonali Das

.....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 Dhantala P.S. Case No. 365 of 2021 dated 02.08.2021 under Sections 498A/304B/34 of the Indian Penal Code.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner is innocent. The petitioner is the husband of the victim lady, who committed suicide and the petitioner has been falsely implicated. The allegations are omnibus in nature. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner, who has suffered incarceration for about 225 days may not be necessary. She further submits that other co-accused being the petitioner's mother has already been enlarged on bail by the learned Court below.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and other documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the period of detention already suffered by the petitioner and the possible extent of his complicity, we are of the opinion that his further detention is not necessary moreso when upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow the bail to the petitioner, namely, **Soumitra Roy @ Raj** on 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for bail, being CRM (DB) 362 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.)