

59 24.03.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 458 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with GR Case No.1112/21 in connection with **Kharagpur All Women** P.S. Case No. **75 of 21** dated **18/11/21** under Sections **498A/323/406/509/34/307/506** of the Indian Penal Code and **3/4** of the Dowry Prohibition Act.
And

In the matter of: Mrinmoy Biswas

....petitioner.

Mr. Debajyoti Deb
Mr. Pabitra Biswas

...for the petitioner.

Ms. Zareen N. Khan
Mr. Arup Sarkar

...for the State.

Mr. Ayan Basu
Mr. Sourav Bera
Mr. Sumit Routh

... for the de facto complainant.

Leave granted to correct the cause-title.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 85 days. The petitioner is an employee of Indian Oil Corporation. He was transferred to Gujarat whereupon the de facto complainant did not want to travel out of the State. Therefore, the police complaint was filed falsely implicating the petitioner. He submits that the police is deliberately not filing the charge sheet.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure. She submits that the petitioner used to torture the de facto complainant and, in fact, assaulted her at least on two occasions. She refers to the injury report of the de facto complainant.

The de facto complainant is represented.

Learned Advocate appearing for the de facto complainant submits that a prayer for bail of another co-accused was turned down by this Hon'ble Court.

The prayer for bail of Sefali Thapa was rejected on February 24, 2022 in CRM (DB) 456 of 2022 primarily on the ground that she was guilty of suppression of materials facts.

Considering the period of detention of the petitioner and considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the petitioner is an employee of Indian Oil Corporation, we grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Paschim Medinipur, subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. (DB) 458 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)