

05.04.2022

Serial no.71

Dd

CRM(DB) 661 of 2022

In re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Birendra Nath Sadhukhan

... ..Petitioner

Mr. Mainak Gupta,
Mr. Prasun Mukherjee,
Ms. Kanchan Roy, Advocate
... .. For the Petitioner

Ms. Amita Gaur, Advocate
... ..For the State

Mr. Soumya Basu Ray Chowdhuri, Advocate
.. ...For the opposite parties

Petitioner seeks cancellation of the order of bail granted by the learned Sessions Judge on February 7, 2022.

Three of the in-laws of the victim in a police case resulting in a charge sheet inter alia, under Section 498A/ 304B/ 34 of the Indian Penal Code were granted bail.

The Court is informed that the husband of the victim is also on bail.

Post bail misconduct of the private opposite parties are also in question.

It is claimed on behalf of the petitioner that there is a complaint against the private opposite parties, inter alia, under Section 195A of the Indian Penal Code.

Prima facie, it appears that the victim committed suicide.

The Sessions Court considered the materials in the case diary and returned a finding that at the time of occurrence, two of the private opposite parties were on a Sundarban trip. The Sessions Court also considered the relationship of the other private opposite party with the victim and proceeded to grant bail to the private opposite parties.

We find no material infirmity in the order granting bail warranting our interference. The post bail misconduct complaint is yet to be established.

Consequently, we find no merit in the present petition. Accordingly, CRM (DB) 661 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)