

16.03.2022

Sl. 57

Court No.29

suvayan

(Allowed)

C.R.M. (DB) 735 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.03.2022 in connection with **Beharampore** P.S. Case No. **920 of 2021** dated **25/08/2021** under Sections **498A/304B/302/34** of the Indian Penal Code, 1860 and subsequently charge-sheet was submitted under Sections **498A/306/304B/34** of the Indian Penal Code, 1860.

And

In the matter of: Suman Bagdi

....petitioner

Mr. Sabir Ahmed

Mr. Mujibar Ali Naskar

Mr. S. Sarkar

...for the petitioner.

Md. Anwar Hossain

Ms. Benajir Hasna

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of 202 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. He submits that the charge-sheet is *inter alia* under Section 304B of the Indian Penal Code although the investigation was also under Section 302 thereof.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the mother of the deceased recorded under Section 161 of the Criminal Procedure Code.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet under Section 304B of the Indian Penal Code after conducting the investigation under Section 302 thereof, 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 Judge, Special Court under the Learned Chief Judicial Magistrate, Berhampore, 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 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.

Accordingly, the prayer for bail of the petitioner is allowed.

CRM (DB) 735 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)