

18.04.2022

Serial no. 59

[Dd]

(Bail **allowed**)

CRM (DB) 987 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Chapra** Police Station Case No. **479** of **2021** dated **30.10.2021** under Sections **498A/304B/34** of the Indian Penal Code and **3/4** D.P. Act.

-And-

In the matter of : Emarul Mondal

... .. Petitioner

Mr. Kaustav Bagchi,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Debayan Ghosh, Advocates
... .. *For the Petitioner*

Mr. Saswata Gopal Mukherjee, Id. PP
Mr. Aniket Mitra, Advocates
... ..*For the State*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 161 days. The police filed charge sheet and, therefore, further detention of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the dying declaration of the victim.

In her dying declaration, the victim states that she poured kerosene oil over herself and set herself on fire. She was tried to be rescued by one of her in-laws. She, however, implicates the petitioner herein in the torture meted out.

Considering the period of detention of the petitioner and considering the fact that police filed charge sheet and considering the gravity of the offence and the involvement

of the petitioner therein as transpiring from the materials in the case diary, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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, Krishnagar, Nadia** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (DB) 987 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)