

20.04.2022

Sl. 54

Court No.29

suvayan

(Allowed)

C.R.M. (DB) 1009 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.04.2022 in connection with **Dhaniakhali** P.S. Case No. **142 of 2021** dated **27/06/2021** under Sections **498A/304B/34** of the Indian Penal Code, 1860 read with Section **4** of the Dowry Prohibition Act.

And

In the matter of: Prabir Chattopadhyay alias Probir Chatterjee &
Anr.

....petitioners

Mr. Sekhar Kr. Basu, Sr. Adv.

Mr. Kusal Kr. Mukherjee

Ms. Suchismita Dutta

Ms. Pranidhi Singh

...for the petitioners.

Ms. Faria Hossain

Mr. Anand Keshari

...for the State.

Petitioners pray for bail.

Learned Senior Advocate appearing for the petitioners submit that the petitioners are in custody in excess of 288 days. The police filed charge-sheet and, therefore, further detention of the petitioners are not required. He submits that the victim committed suicide.

Learned Advocate appearing for the State draws the attention of the Court to the postmortem report of the victim and the materials in the case diary.

The postmortem report records a non-continuous ligature mark on the neck. It records that the cause of death was ante mortem and suicidal in nature.

Considering the period of detention of the petitioners and considering the fact that the police filed charge-sheet and considering the postmortem report of the victim, we grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon

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

In the event the petitioners fail 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) 1009 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)