

08.06.2022
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allowed

CRM(DB) 1390 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Joypur Police Station Case No. 125 of 2021 dated 21.07.2021 under Sections 302/498A of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act and Section 9 of Prohibition of Child Marriage Act.

And

In Re : Jhantu Guchait petitioner

Mr. Soumyajit Das Mahapatra
.....for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
..... for the State

Petitioner renews his prayer for bail.

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 321 days. It is also submitted that there is hardly any progress since the rejection of bail by this Court. It is further submitted that incident occurred eight years after marriage.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record including statements of the witnesses recorded under Section 161/164 of the Code of Criminal Procedure. There was matrimonial discord between the couple. It appears from materials on record that the victim in order to threaten the petitioner pretended to set her on fire but unfortunately caught fire.

In view of the aforesaid facts and the protracted period of detention suffered by the petitioner and slow progress in the matter since the rejection of bail by this Court, we are inclined in granting bail to him.

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 Additional Chief Judicial Magistrate, Uluberia, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)