

CRM 4538 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Shankar Karmakar alias Sankar Karmakar

.....Petitioner

Mr. Ramashis Mukherjee

.....for the Petitioner

Ms. Amita Gaur

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chapra P.S. Case No. 144 of 2020 dated 30.04.2020 under Sections 498A/306/34 and added Section 302 of the Indian Penal Code.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner is an aged person and is the father-in-law of the victim. He has been falsely implicated in an alleged incident which occurred about 12 years after the marriage of his son with the victim. Upon completion of investigation, charge sheet has already been submitted. The husband of the victim has also been granted bail by a coordinate Bench of this Court.

Ms. Gaur, learned advocate appearing for the State opposes the petitioner's prayer and submits that specific overt act has been attributed to the petitioner and there are incriminating materials on record against the petitioner. In support of such contention, she has drawn our attention to the statements of the witnesses, as recorded under Sections 161 and 164 of the Code.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are certain inconsistencies between the statements as recorded under Section 161 and under Section 164 of the Code by the daughters of the victim. The husband of the victim has also been enlarged on bail by a coordinate Bench of this Court. Considering the nature of accusations and the period of incarceration already suffered by the petitioner, we are of the opinion that further detention is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Shankar Karmakar alias Sankar Karmakar**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar, Nadia.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 4538 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)