

17.06.2022
SL No55
Saswata
Ct.28
(Allowed)

CRM (DB) 1830 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Dantan** P.S. Case No. **88/2022** dated **01.03.2022** under Sections **498/302/34** of the **Indian Penal Code** and **Sections 3/4** of **Dowry Prohibition Act**.

And

In the matter of: **Chinmoy Das**

....Petitioner

Mr. Arijit Dey

...for the Petitioner

Mr. Saswata Gopal Mukherjee, Ld. PP

Mr. Aniket Mitra

...for the State.

Petitioner is in custody for 109 days.

It is submitted incident occurred 16 years after marriage.

Investigation is complete.

Learned Public Prosecutor opposes the prayer for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Incident occurred 16 years after marriage. Post mortem report shows the victim died due to suicidal hanging. Statutory presumption under Section 113 A of the Evidence Act is not attracted in the facts and circumstances of the present case.

In view of the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

The prayer for bail is, thus, allowed.

Let the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/-, with two sureties of like amount each one

of whom must be local, to the satisfaction of the Learned Judge, Special Court under POCSO Act, Paschim Medinipur subject to the condition that he shall appear before the learned trial court regularly on every date of hearing and 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.

The application for bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)