

29.06.2022.
54.
Ct.No.28.
as
(Partly
allowed)

C.R.M. (DB) 2043 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shyampur P. S. Case No.494 of 2021 dated 15.12.2021 under Sections 498A/304B/302/34 of the Indian Penal Code and charge sheet submitted under Sections 498A/304B/306/34 of the Indian Penal Code and Section 9 of the Prohibition of Child Marriage Act.

In the matter of : Ajit Kumar Samanta & Anr.
.... Petitioners.

Md. Sabir Ahmed,
Mr. A. Sarkar,
Mr. Apan Saha.
...for the Petitioners.

Mr. S. G. Mukherjee, Id. P.P.,
Ms. Faria Hossain,
Mr. Anand Keshari.
...for the State.

Heard the learned Counsel appearing on behalf of the petitioners.

Petitioners are in custody for about 83 days. It is submitted petitioners were not present at the place of occurrence when the victim housewife committed suicide. Co-accuseds including mother-in-law and others are on bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. There are allegations of torture against the petitioners. Victim housewife

committed suicide within six months of marriage. CDRs show petitioner no.1 had telephonic conversation with his wife prior to her death corroborating the allegation of torture and abetment.

In view of the aforesaid materials on record, we are not inclined to grant bail to the petitioner no.2.

Hence, the prayer for bail of the petitioner no.2 is rejected.

Keeping in mind the facts and circumstances of the case and the extent of complicity of the petitioner no.1, father-in-law of the victim housewife, in the alleged crime, we are inclined to grant bail to him.

Accordingly, the petitioner No.1 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Uluberia subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner No.1 fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)

