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Partly Allowed

CRM (DB) NO. 2215 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol (South) Police Station Case No. 54 of 2022 dated 10.02.2022 under Sections 498A/302/304B/201/120B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act subsequently charge-sheet being Charge-sheet No. 214 of 2022 dated 10.05.2022 under Sections 498A/302/304B/201/120B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In Re : Smt. Manju Devi & Ors. petitioners

Mr. Apurba Kumar Datta
Mr. Gopal Chakraborty
.....for the petitioners

Mr. Saswata Gopal Mukherji, learned P.P.
Mr. Partha Pratim Das
Mrs. Manasi Roy
....for the State

Petitioners are in custody from February, 2022.

It is submitted by the learned Counsel appearing for the petitioners that the victim housewife committed suicide at the matrimonial home.

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

We have considered the materials on record. Statements of witnesses show petitioner no. 3, husband of the victim housewife, demanded dowry and other petitioners tortured the housewife on such score. She suffered burn injuries at the matrimonial home.

Keeping in mind the aforesaid incriminating facts and as petitioners no. 1,2 and 3 ordinarily reside at the matrimonial

home where the incident occurred, we are not inclined to grant bail to them.

Accordingly, application for bail in so far as petitioners no. 1,2 and 3 concerned is, thus, rejected.

However, keeping in mind the extent of complicity of the petitioner no. 4, husband of the married sister-in-law of the victim housewife, in the alleged crime who did not ordinarily reside at the matrimonial home, we are inclined to grant bail to him.

Accordingly we direct that the petitioner no. 4, Arjun Nonia, 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 Chief Judicial Magistrate, Asansol, Paschim Bardhaman, subject to the condition that the petitioner no. 4 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner no. 4 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioner no. 4 is concerned.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

