

01.08.2022
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allowed

CRM(DB) No. 2543 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Debra Police Station Case No. 312 of 2022 dated 21.06.2022 under Sections 498A/323/354/354B/376/511/406/506/34 of the Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act.

And

In Re : Suman Bairagi petitioner

Mr. Siddhartha Sarkar
.....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Mr. Santanu Chatterjee
..... for the State

Mr. Tanmoy Khan
..... for de facto complainant

Learned Counsel appearing for the petitioner submits that there was a family dispute and the petitioner had instituted an application for restitution of conjugal rights. In retaliation, the present case has been filed.

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

Learned Counsel appearing for de facto complainant submits a large volume of cash was paid as dowry. Dowry amount has not been recovered as yet.

We have considered the materials on record. Criminal case was registered after the institution of suit for restitution of conjugal rights by the petitioner. Petitioner had been subjected to custodial interrogation in the course of investigation. Allegation of attempt to rape is not levelled against him.

Keeping in mind the aforesaid facts, we are of the opinion further detention of the petitioner for progress of investigation is not necessary and the petitioner may be enlarged on bail, however, subject to strict condition.

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 Chief Judicial Magistrate, Paschim Medinipur, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further condition that the petitioner shall meet the investigating officer once in a week until further orders.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)