

02.09.2022
Sl. No.4
akd
[ALLOWED]

C. R. M. (DB) 2633 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.07.2022 in connection with Manicktala Police Station Case No. 123 of 2022 dated 23.05.2022 under Sections 498A/304B/34/406 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re: ***Suman Das @ Tukai Das***

... .. Petitioner

Ms. Sreyashee Biswas
Ms. Puja Goswami

... .. for the petitioner

Mr. Manojit Bhattacharyya

... .. for the de-facto complainant

Mr. Binay Panda
Mrs. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 99 days. It is further submitted allegation of torture over demands of dowry are out and out false. There were domestic quarrels between the parties and the victim-housewife committed suicide.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner used to assault his wife over various demands. Unable to bear the torture, she committed suicide.

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. In the FIR, it is alleged petitioner had demanded an air-conditioner and as such demand was not met, he assaulted his wife. Consequentially, she committed suicide. Subsequent statements recorded in course of investigation however, portray a different picture. Witnesses stated that

the petitioner was a habitual drunker and used to assault his wife. Though financial assistance was given from time to time by the father-in-law, the statements do not give an indication whether they were pursuant to the demands of the petitioner or offers of assistance to wade over financial trouble. These discrepancies require to be thrashed out in course of trial. Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete and there is little possibility of the trial concluding in near future, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Suman Das @ Tukai Das**, be released on bail upon furnishing 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 Additional Chief Judicial Magistrate, Sealdah, South 24-Parganas subject to condition that the said 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 he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)