

19.01.2022
Court No.32
Item No. 278
Avijit Mitra

C.R.M. 7969 of 2021 (Through video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Bappa Mondal

.... petitioner

Ms. Sananda Bhattacharya

...for the petitioner

Mr. Tanmoy Kumar Ghosh,

Mr. Arindam Sen

...for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ranaghat Police Station Case No.233 of 2021 dated July 29, 2021 under sections 498A/306 of the Indian Penal Code.

Ms. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is the husband of the victim and the alleged incident occurred about 8 years after the marriage. Initially, FIR was registered under Section 498A/302 of the Code and subsequently chargesheet has been filed under Sections 498A/306 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. In the said conspectus, further detention of the petitioner, who is in custody for about 173 days, is not warranted.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of

the witnesses as recorded under Section 161 of the Code and the *post-mortem* report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the statement of the witnesses, the nature of accusations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Bappa Mondal**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.7969 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J) (Tapabrata Chakraborty, J)

