

10.01.2022
Sl. No.31
sdas/akd

C. R. M. 8276 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure :

And

In Re: ***Bishnupada Pramanik***

... .. Petitioner

Mr. Apalak Basu
Mr. Nazir Ahmed

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy

... .. for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Contai Police Station Case No. 431 of 2018 dated 26.12.2018 under sections 498A/304B/302/34 of the Indian Penal Code.

Mr. Basu, learned advocate appearing for the petitioner, submits that the petitioner is the husband of the victim. He has been falsely implicated in the alleged incident which occurred about six years after marriage. The mother-in-law of the victim has already been granted bail. Upon completion of investigation, charge sheet has also been submitted and as such further detention of the petitioner, who is in custody for about three years, is not warranted.

Mr. Das, learned advocate appearing for the State, however, opposes the petitioner's prayer and submits that subsequent to rejection of the petitioner's prayer for bail on 16.12.2019 there had been no substantial change in the facts and circumstances. Out of thirteen witnesses, five had already been examined. In view of the complicity of the petitioner and the

advanced stage of the proceedings, the petitioner is not entitled to the relief, as prayed for.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

In the present pandemic situation and rapid proliferation of the virus, bail needs to be considered liberally unless custodial interrogation is absolutely essential. *Prima facie*, we find some contradictions in the statements of the witnesses. Considering the manner in which the offence has taken place, the period of incarceration already suffered by the petitioner and as there is no possibility towards early conclusion of trial, further detention of the petitioner is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Bishnupada Pramanik**, 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, Contai, Purba Medinipur.

It is further directed that the petitioner shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel his bail, in accordance with law, without any further reference to this court.

The application for bail, being CRM 8276 of 2021 is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)