

17.01.2022
Court No.32
Item No. 08
Avijit Mitra

C.R.M. 8364 of 2021 (Through video conference)

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

And

In Re : Manjit Shaw

.... petitioner

Mr. Soumya Basu Roy Chowdhury
...for the petitioner

Mr. P.K. Dutta,
Mr. Nirupam Dhali
...for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Golabari Police Station Case No.12 of 2021 dated 11.01.2021 under sections 498A/304B of the Indian Penal Code.

Mr. Basu Roy Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident which occurred about 2 years after the marriage. No specific overt act has been attributed to the petitioner. Upon completion of investigation chargesheet has also been submitted and as such further detention of the petitioner, who is in custody for about 371 days, is not warranted.

Mr. Dhali, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and the *post-mortem* report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the manner in which the alleged offence has taken place, the nature of accusations and the period of detention already suffered by the petitioner, 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, **Manjit Shaw**, 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 Chief Judicial Magistrate, Howrah.

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.8364 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)

