

CRM No.8651 of 2021

Via video conference

03.02.22

(S.R.)

Sl.31

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Tapan** Police Station Case No.79 of 2020 dated 11/03/2020 under Sections 498A/302/34 of the Indian Penal Code, read with Sections 3/4 Dowry Prohibition Act (S.C. Case No.53 of 2021);

And

In re: Rubel Mondal

... petitioner.

Mr. Mayukh Mukherjee

Mr. Shakti Halder

Mr. S. Mondal

... for the petitioner.

Ms. Zareen N. khan

Mr. Ashok Das

...for the State.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident which occurred about 14 months after the petitioner's marriage. The victim lady committed suicide. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody since 15th March, 2000, may not be necessary and he may be enlarged on bail on any stringent condition. In support of his contention, Mr. Mukherjee has also drawn our attention to the deposition of the *de facto* complainant. Let a copy of the same as produced be kept on record.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statements of the witnesses as well as the post mortem report.

Prima facie, it appears that there are certain inconsistencies in the contents of the complaint and the deposition of the complainant before the learned trial court wherein he had, *inter alia*, stated that her

daughter was normal in her in-law's house and happy with her husband. Considering the nature of accusations and the possible 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 charge sheet has been submitted and since the trial is in progress.

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 concerned learned Chief Judicial Magistrate, Balurghat with a further condition that the petitioner shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioner 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 his bail without any further reference to this Court.

The application for bail being CRM No.8651 of 2021 is, accordingly, 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.)