

03.02.2022

Court No.32
rpan/32

CRM 8658 of 2021

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

And

In Re.: **Samiran Dhalla**
- Petitioner

Mr. Samiran Mandal,
Mr. Abhinaba Dan
... for the Petitioner

Mr. Imran Ali,
Ms. Sujata Das
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Onda Police Station Case no.70 of 2021 dated 27.04.2021 under Sections 498A/325/307/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, 1961 [Charge sheet no.101 of 2021 dated 28.07.2021 filed under Sections 498A/302/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961 and **charges framed** under Sections 498A/302/34 of the Indian Penal Code, 1860].

Mr. Mandal, learned advocate appearing for the petitioner submits that the petitioner has been implicated in an alleged incident which occurred eleven years after the marriage. The victim herself threatened the petitioner that she will commit suicide. Upon completion of investigation charge sheet has also been submitted. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim, the statement of her minor son, as recorded under Section 164 of the Code, the statements of other witnesses and the medical documents. She submits that there are strong incriminating materials against the petitioner and as such, he is not entitled to the relief as prayed for.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, whether the acts of the petitioner would constitute culpable homicide or murder is an issue to be decided at the appropriate stage of the trial. Considering the nature of accusations, the period of detention and since upon completion of investigation charge sheet has also been submitted, we are of the opinion that further detention of the petitioner is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Samiran Dhalla**, 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, Bankura.

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

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below

shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM 8658 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J)