

CRM 8665 of 2021
(via video conference)

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

And

In Re : Sk. Meheraj Ali

.....Petitioner

Mr. Ayan Basu
Mr. Sourav Bera
Mr. Sumit Routh

.....for the Petitioner

Mr. Tanmay Kumar Ghosh
Ms. Sonali Bhar

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tamluk P.S. Case No. 711/2019 dated 23/11/2019 under Sections 498A/ 304B/306/34 and under Sections 3/4 of the Dowry Prohibition Act.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred about two years and eight months after his marriage. On the fateful date, the petitioner was not present at the place of occurrence. The victim lady committed suicide and the petitioner has been sought to be roped in on the basis of mere suspicion. The other co-accused persons had 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 155 days, is not necessary moreso when investigation is complete.

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

statements of the witnesses, as recorded under Sections 161 and 164 of the Code as well as the post mortem report.

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

The post mortem report reveals that the death was due to the effect of hanging, ante mortem and suicidal in nature. It appears that the petitioner was not present at the place of occurrence. The allegations, *prima facie*, appear to be omnibus in nature. Considering the manner in which the offence has taken place, the nature of accusations, the period of detention and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his further detention is not necessary, moreso when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sk. Meheraj Ali**, 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, Tamluk, Purba Medinipur.

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 his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 8665 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.)