

07.02. 2022

Court No.32

rpan / **20**

C.R.M. 8736 of 2021

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

And

In Re.: **Biswajit Sarkar**

- Petitioner

Ms. Minoti Gomes

... for the Petitioner.

Mr. Tanmoy Ghosh,

Mr. Arindam Sen

... for the State.

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nabadwip Police Station Case No.125 of 2021 dated 05.04.2021 under Sections 498A/326/307/306/302/34471/ 506/ 114 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident which occurred nine years after his marriage with the victim lady. The allegations levelled against him are unfounded. The victim lady committed suicide. Upon completion of investigation charge sheet has been submitted and as such, further detention of the petitioner, who is in custody for 243 days, may not be necessary and he may be enlarged on bail on any stringent condition.

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 and considered the materials in the case diary.

Prima facie, it appears that there are inconsistencies in the statements of the victim's daughter, who is aged about 8 years, as recorded under Sections 161 and 164 of the Code. Considering 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 further detention of the petitioner is not warranted, more so when, upon completion of investigation, charge sheet has also been submitted. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely **Biswajit Sarkar**, 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, Nadia with a further condition that he shall not enter the jurisdiction of Nabadwip Police Station until further orders, save and except for attending the Trial Court on the dates specified for hearing and he shall also intimate the address where he would be residing to the Officer-in-Charge of Nabadwip Police Station.

It is further directed that the petitioner 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 trial court below shall be at liberty to cancel his bail, in accordance with law, without any further reference to this Court.

With the aforesaid observations, the application for bail, being C.R.M. 8736 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.)