

CRM 8794 of 2021
(via video conference)

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

And

In Re : Manoj Ghosh @ Mona @ Mana

.....Petitioner

Mr. Debapriya Samanta

.....for the Petitioner

Mr. Partha Pratim Das
Ms. Manasi Roy

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Raninagar P.S. Case No. 313 of 2021 dated 01.07.2021 under Sections 498A/304B/302/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against the petitioner are unfounded. The victim lady committed suicide. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 219 days, is not necessary.

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 recorded under Section 161 of the Code. Answering our query, he submits that there was no dying declaration and the statement of the victim's child had not been recorded.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the period of detention already suffered and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his further detention is not warranted, moreso when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Manoj Ghosh @ Mona @ Mana**, 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, Lalbagh, Murshidabad.

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. 8794 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.)