

08.09.2022
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Partly Allowed

CRM (DB) NO. 3045 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sonamukhi Police Station Case No. 10 of 2022 dated 20.01.2022 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Bijala Bagdi & Anr. petitioners

Mr. Malay Bhattacharyya
Mr. Subhrojyoti Ghosh
Ms. Shefa Mondal

....for the petitioners

Mr. D. Chatterjee, learned APP
Ms. Debjani Dasgupta

....for the State

It is submitted by the learned Counsel appearing for the petitioners that they are in custody for 230 days. It is also submitted that they have been falsely implicated in the instant case. It is further submitted that the petitioner no. 1 is very sick and suffering from various ailments. She is unable to move.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioners tortured the housewife over demands of dowry. As a result, she committed suicide within eight months of marriage.

We have considered the materials on record. Statements of the witnesses show petitioners tortured the housewife over demands of dowry. As a result, she committed suicide within eight months of marriage. Hence, on merits, we are not inclined to grant bail to the petitioner no. 2.

The application for bail in so far as petitioner no. 2 is, thus, rejected.

However, we note petitioner no. 1 is a lady and suffering from serious ailments. Further detention may endanger her life. In view of the aforesaid health condition of the petitioner no. 1 and purely on humanitarian considerations, we are inclined to grant bail to her.

Accordingly, we direct that the petitioner no. 1 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bishnupur, Bankura, subject to the condition that the petitioner no. 1 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner no. 1 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner no. 1 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioner no. 1 is concerned.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

