

11.02. 2022

Court No.32

rpan / **40**

C.R.M. 9052 of 2021

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

And

In Re.: **Sampad Sasmal @ Pappu**
- Petitioner

Mr. Md. Sarwar Jahan,
Mr. Maidul Islam Kayal
... for the Petitioner.

Mr. Tanmoy Kumar 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 Uluberia Police Station Case No.279 of 2021 dated 18.08.2021 under Sections 498A/406/304B/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act.

Mr. Jahan, learned advocate appearing for the petitioner submits that the petitioner is the elder brother-in-law of the victim, who committed suicide. He has been falsely implicated in the alleged incident. No specific overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 178 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Sen, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses. He submits that the incident occurred within six months of the marriage. However, answering our query, he informs that the husband of the victim has already been arrested and he is in custody.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, the allegations appear to be omnibus in nature. No specific overt act has been attributed to the petitioner herein. Considering the nature of accusation and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention is not warranted, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sampad Sasmal @ Pappu**, 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, Howrah at Uluberia.

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 9052 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.)