

15.09.2022.
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as
(Allowed)

C.R.M. (DB) 3103 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswer P. S. Case No.127 of 2021 dated 12.04.2021 under Sections 467/468/471 of the Indian Penal Code.

In the matter of : Brajesh Krishna Das @ Brindaban
Pal @ Brajesh Krishna Pal (Das).
.... Petitioner.

Mr. Sujan Chatterjee,
Mr. Sanat Kr. Das.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Mr. Malay Bhattacharyya.

...for the de-facto complainant.

Petitioner is in custody for 76 days. It is contended his wife died two years ago. After a lapse of eight months, the present criminal case has been registered by his sister-in-law to humiliate and harass him. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner had suppressed his earlier marriage and after death, her properties were misappropriated.

Learned Advocate for the defacto complainant also opposes the prayer for bail.

We have considered the materials on record. Petitioner was married in 2003. Their marriage was registered in 2011. Whether the wife of the petitioner was unaware of the previous marriage in spite of such long cohabitation requires to be

assessed during trial. Only after the death of the wife, the present first information report was registered.

In view of the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, Chandannagar, Hooghly subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall report to the Officer-in-charge, Bhadreswar Police Station once in a week until further order.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)