

19.09.2022.
27.
as
(Allowed)

C.R.M. (DB) 3157 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur P. S. Case No.552 of 2022 dated 04.06.2022 under Sections 498A/304B/302/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act and charge sheet submitted under Sections 498A/304B/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

In the matter of : Bikash Sarkar & Anr.

.... Petitioners.

Mr. Subir Debnath,
Mr. Santanu Talukdar,
Ms. Roma Ray.

...for the Petitioners.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Mr. Aniket Mitra.

...for the State.

Petitioners are in custody for 106 days. It is submitted allegation of assault on the housewife is not supported by medical evidence. Co-accused Pulak Sarcar @ Sarkar has been granted bail. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail. He submits housewife was tortured by the petitioners who are her husband and mother-in-law respectively. As a result, she committed suicide.

We have considered the materials on record. Though statements of witnesses say petitioners had assaulted the housewife, post mortem report does not disclose any other injury apart from the ligature mark.

Keeping in mind the aforesaid facts and circumstances of the case and as co-accused has been enlarged on bail, 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, Ranaghat, Nadia subject to condition that they 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.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)