

28.09.2022.
31.
as
(Allowed)

C.R.M. (DB) 3273 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Eco Park P. S. Case No.38 of 2022 dated 22.02.2022 under Sections 498A/304B/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

In the matter of : Biswajit Behera.

.... Petitioner.

Mr. Chandra Sekhar Bag,
Mr. Bimal Sil,
Mr. Souphal Chatterjee.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Petitioner is in custody for 220 days. It is submitted victim lady suffered from schizophrenia and had made suicide attempts earlier. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits victim housewife committed suicide within four years of marriage.

We have considered the materials on record. Allegation of torture over demands of dowry require to be assessed in the light of the aforesaid submission made on behalf of the petitioner with regard to the mental illness of the victim lady during trial.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner and as investigation is complete, 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 Chief Judicial Magistrate, Barasat subject to condition that he 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 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.)