

29.09.2022
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allowed

CRM(DB) No. 3360 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 312 of 2022 dated 25.07.2022 under Sections 498A/304B of the Indian Penal Code adding Section 4 of the Dowry Prohibition Act.

And

In Re : Tapan Seth @ Tapan Sheth & Anr. petitioners

Mr. Tapodip Gupta

.....for the petitioners

Mr. S. G. Mukherji, learned P.P.

Mr. Partha Pratim Das

Ms. Eshita Dutta

..... for the State

Learned Counsel for the petitioners submits they are parents-in-law of the victim housewife. Petitioners are in custody for 65 days. It is also submitted that they have been falsely implicated in the instant case. They pray for bail.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Incident occurred 6½ years after marriage. Allegations of torture are general and omnibus. They are bereft of material particulars with regard to time when the victim reported the incident to the witnesses. Whether the allegations of torture were soon before the unnatural death of the victim requires to be seen in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts and in view of period of detention suffered by the petitioners, we are inclined to grant bail to them.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate at Arambagh, Hooghly, on condition that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and they shall appear before the trial court on every date of hearing.

In the event petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)