

29.09.2022.
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as/tkm
(Allowed)

C.R.M. (DB) 3438 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belpahari P. S. Case No.26 of 2022 dated 10.05.2022 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

In the matter of : Babulal Tudu & Anr.

.... Petitioners.

Mr. Sandipan Ganguly, ld. Sr. Adv.,
Mr. D. Dutt.

...for the Petitioners.

Mr. S. G. Mukherjee, ld. P.P.,
Mr. A. Mitra,
Ms. Jonaki Saha.

...for the State.

Petitioners are in custody for 142 days. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure implicating the petitioners in the torture of the housewife who was compelled to consume poison.

In view of the aforesaid materials, we are inclined to grant bail to the petitioner No.1 husband of the housewife.

Hence, the prayer for bail of the petitioner No.1 is rejected.

However, in view of the fact that petitioner no.2 is an elderly lady, we are inclined to grant bail to her.

Accordingly, the petitioner No.2 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, Jhargram subject to condition that she 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 no.2 fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her 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.)