

30.11.2022
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Partly Allowed

CRM (DB) No. 4226 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga Police Station Case No. 356 of 2021 dated 03.07.2021 under Sections 498A/406/307/326 of the Indian Penal Code.

And

In Re : Amari Sardar @ Amri Sardar & Anr. petitioners

Ms. Piyali Mukherjee

.....for the petitioners

Mr. Saswata Gopal Mukherjee, learned P.P.

Mr. Aniket Mitra

....for the State

Mr. Sumanta Chakraborti

Ms. Kasturi Dutta

.... for the de facto complainant

Learned Counsel appearing for the petitioners submits they are in custody for 450 days. They pray for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits trial is in progress.

Learned Counsel appearing for the de facto complainant also opposes the prayer for bail.

We have considered the materials on record including dying declaration of the victim lady. From the dying declaration it appears petitioner no. 2 set her on fire. In view of the aforesaid incriminating materials against the said petitioner, we are not inclined to grant bail to him at this stage.

The application for bail in so far as petitioner no 2 is, thus, rejected.

Keeping in mind the extent of complicity of the petitioner no. 1 in the crime and the period of detention suffered by her, we are inclined to grant bail to the petitioner no. 1.

Accordingly, we direct that the petitioner no. 1 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, North 24-Parganas at Barasat, subject to the condition that the petitioner no. 1 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner no. 1 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner no. 1 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioner no. 1 is concerned.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)