

15.12.2022.
29.
as
(Allowed)

C.R.M. (DB) 4395 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh P. S. Case No.177 of 2022 dated 18.06.2022 under Sections 498(A)/307/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and adding Sections 302/304B/406 of the Indian Penal Code.

In the matter of : Sanatan Mal & Anr.

.... Petitioners.

Ms. Sutanuka Chowdhury.

...for the Petitioners.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioners are in custody for 31 days. Petitioner no.2 is the married sister-in-law of the victim-housewife. Petitioner No.1, her husband. It is contended they have been falsely implicated in the instant case. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Dying declaration of the victim does not implicate the petitioners.

Under such circumstances, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners viz., Sanatan Mal and Kanan Mal shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly 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.)