

21.12.2022
27
sdas
allowed

CRM(DB) No. 4491 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 60 of 2022 dated 09.06.2022 under Sections 498A/302/304B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And
In Re : Sk. Jafar Ali petitioner

Mr. Apurba Kumar Datta
.....for the petitioner

Mr. S. G. Mukherjee, learned PP
Mr. Partha Pratim Das
Mrs. Manasi Roy
..... for the State

Learned Counsel appearing for the petitioner submits he was in Orissa at the time of occurrence. Victim housewife had a love affair. She was compelled to marry the petitioner against her will. Due to depression she committed suicide. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Materials collected during investigation supports the submission made on behalf of the petitioner. Whether the victim housewife committed suicide due to torture or owing to mental depression arising from an earlier affair requires to be assessed during trial. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that 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 Additional Chief Judicial Magistrate, Raghunathpur, Purulia, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)