

CRM (DB) 161 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sri Bishnu Mandal

.....Petitioner

**Mr. Sabyasachi Bhattacharjee
Mr. Souvik Dere
Ms. Barnali Pal**

.....for the Petitioner

**Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee**

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mathabhanga G.R. Case No. 1447/2021 dated 01.11.2021 under Sections 498A/304B of the Indian Penal Code.

Mr. Bhattacharjee, learned advocate appearing for the petitioner submits that the petitioner is the brother-in-law of the victim. He had no involvement in the alleged offence. The principal accused being the husband had already been granted bail by the learned Court below. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner, who has already suffered incarceration for about 20 days, may not be necessary.

Mr. Acharjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the period of detention already suffered by the petitioner and the possible extent of his complicity in the alleged offence, we are of the opinion that his further detention is not necessary.

Accordingly, we allow the bail to the petitioner, namely, **Sri Bishnu Mandal** on furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the Additional Chief Judicial Magistrate, Mathabhanga.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for bail, being CRM (DB) 161 of 2022, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)