

09.06.2022
05
Ct. No. 01
KAUSHIK
Allowed

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

C.R.M. (DB) 185 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No. **1071** of **2021** dated **05.11.2021** under Sections 498A/302/34 of the Indian Penal Code, 1860 read with Sections 3/ 4 of the Dowry Prohibition Act, 1961(charge-sheet filed under Sections 498A/306/34 of the Indian Penal Code, 1860 read with Sections 3/ 4 of the Dowry Prohibition Act, 1961).

And

In Re : Shahir Miah

..... petitioner

Mr. Hillol Saha Poddar
Ms. Mousumi Das

.....for the petitioner

Mr. Ujjwal Luksom
Mr. Saikat Chatterjee
Ms. Nomrota Das

....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 216 days. The police filed charge-sheet, inter alia, under Section 306 of the Indian Penal Code after conducting an investigation, inter alia, under Section 302 of the Indian Penal Code. The petitioner is the father-in-law of the deceased.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure.

Considering the period of detention of the petitioner and considering the relationship with the victim and considering the fact that the police filed charge-sheet after conducting inquiry, inter alia, under Section 302 of the Indian Penal Code, we 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 Chief Judicial Magistrate, Coochbehar**, subject to the condition that the 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 any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)