

11.07.2022.

Item No. 16

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 235 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 07.07.2022 in connection with Kotwali Police Station Case No. 818 of 2021 dated 16.08.2021 under Sections 498A/304B of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act, 1961.

And

In the matter of: **Nirmal Barman.** ...petitioner

Ms. Suman Schanabis (Mandal),
Mr. Alok Sah. ...For the petitioner

Mr. Arun Kumar Sarkar,
Ms. Namrata Das.For the State

The application for bail is moved on the ground that the petitioner is in custody for 311 days and charge-sheet has been filed.

It appears from the First Information Report and the Medical Report that there are no other injuries in the body of the victim. The complaint indicates that the petitioner instigated by the in-laws and other family members of the house, inflicted torture upon the victim.

Counsel for the State opposes the prayer for bail.

Having considered the nature of the allegations and the materials available in the case diary and considering the fact that a Co-ordinate Bench of this Court granted anticipatory bail to the mother-in-law, father-in-law and

brother-in-law of the victim girl and his wife in C.R.M. (A) No. 156 of 2022 dated 19th April, 2022, this Court is of the view that the petitioner's prayer for bail is allowed on parity.

Let the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Cooch Behar subject to the conditions that the petitioner shall co-operate with the investigation and make himself available for questioning to the Investigating Officer of the case once in a fortnight until further orders. The petitioner shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.

C.R.M. (DB) No. 235 of 2022 is, thus, allowed and disposed of.

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

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)