

08.09.2022

Item No.14

Ct.No.1

K.B.

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Criminal Appellate Jurisdiction

CRM(DB) 282 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in Criminal Misc. Case No. 986/2022 in connection with G.R. Case No. 358 of 2022 pending before the Learned Chief Judicial Magistrate (S) Court, Cooch Behar arising out of Pundibari Police Station Case No. 123 of 2022 dated 13.03.2022 under Sections 498A/302 of the Indian Penal Code, 1860, read with Section 3/4 of the Dowry Prohibition Act, 1961.

And

In the matter of: **Pankaj Sarkar & Anr.**

....Petitioners.

Mr. Pratusha Dutta Chowdhury

...for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Aniruddha Biswas

.....for the State.

This is an application for grant of bail in connection with Pundibari Police Station Case No. 123 of 2022 dated 13.03.2022 under Sections 498A/302 of the Indian Penal Code, 1860, read with Section 3/4 of the Dowry Prohibition Act,

1961 pending before the Learned Court of Sessions Judge, Cooch Behar.

It is submitted that there are total four accused persons out of which two accused persons have been granted anticipatory bail by the co-ordinate Bench of this Court.

Learned Counsel for the petitioners submits that the police has completed the investigation and submitted charge sheet.

Learned Counsel for the petitioners submits that no purpose will be served if the petitioners are detained in the custody any further and also submitted that the petitioners will appear before the trial court on each and every date of hearing.

Learned Counsel for the State submits that the victim has committed suicide due to the torture caused by the petitioners and in the said incident all the accused persons are involved.

Learned Counsel for the State further submits that the statement of the mother of the victim has been recorded under Section 164 of the Code of Criminal Procedure and the mother of the victim has given albeit statement wherein it reveals that the accused persons have equally participated in the said incident.

Learned Counsel for the State further submits that if at this stage the petitioners are granted bail there is every likelihood that the petitioners will hamper or tamper the evidence.

Considered the rival submissions of the parties, case diary and materials on record.

It is found from the record that after the registration of the case, the petitioners were arrested and were taken into custody. There are four accused out of which two are on bail and there is no allegations that the two accused had hampered or tampered the evidence.

It is also found that the police has completed investigation and submitted charge sheet.

This Court is of the view that as the investigation is completed and charge sheet submitted, there is no chance of hampering or tampering of the evidence.

In view of the circumstances, this Court finds that this is a fit case to grant bail to the petitioners.

The petitioners may find bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar and on further condition that the petitioners shall not interfere with the witness of the prosecution and shall appear before the Learned trial Court on each and every date of hearing.

CRM (DB) 282 of 2022 stands accordingly **disposed of.**

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Krishna Rao J.)

(Subrata Talukdar, J.)