

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

27.09.2022.
03.
as
Ct.No.28.
(Allowed)

C.R.M. (DB) 359 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali P. S. Case No.1216 of 2021 dated 13.12.2021 under Sections 498A/304B of the Indian Penal Code read with Section 3 / 4 of the Dowry Prohibition Act.

In the matter of : Ramkrishna Sarkar.

.... Petitioner.

Md. Sabir Ahmed,
Mr. Hillol Saha Podder.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Ujjwal Luksom,
Mr. Biswarup Roy.

...for the State.

Petitioner is in custody for 276 days. He submits victim lady had an affair prior to her marriage. She was unhappy in the marriage and committed suicide.

Learned Advocate for the State opposes the prayer for bail and submits victim housewife was subjected to torture. As a result she committed suicide.

We have considered the materials on record including the statements of witnesses. Statements of witnesses do not disclose torture over demand of dowry. Allegation of ill-treatment requires to be assessed in the light of the submissions made on behalf of the petitioner during trial. Trial has not commenced and there is little possibility of it concluding in the near future.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, 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 condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)