

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

29.09.2022.
01.
as
Ct.No.28.
(Allowed)

C.R.M. (DB) 362 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Alipurduar P. S. Case No.414 of 2022 dated 16.08.2022 under Sections 498A/304B of the Indian Penal Code.

In the matter of : Tofajul Haque @ Tafajjal Miya.
.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Aditya Tiwari.

...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 43 days. It is submitted he has been falsely implicated in the instant case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim lady was subjected to torture over demand of dowry. As a result, she committed suicide.

We have considered the materials on record. Allegation of subjecting the victim lady to torture on demand of dowry is bereft of material particulars with regard to time of her report to the witnesses. Incident occurred four years after the marriage. Whether the victim was subjected to torture soon before the incident requires to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, 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 Additional Chief Judicial Magistrate, Alipurduar 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.)