

20.01.2023
Sl. No.18
akd
[ALLOWED]

C. R. A. (DB) 5 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Panskura Police Station Case No.326 of 2022 dated 03.05.2022 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3(1)(r)/3(1)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

And

In Re: ***Rina Gantait & Anr.***

... .. Appellants

Md. Sabir Ahmed
Mr. Abdur Rakib
Mr. Dhiman Chatterjee

... .. for the appellants

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor
Mr. Santanu Deb Roy

... .. for the State

Appellants have assailed against order dated 25.08.2022 refusing bail to them.

It is contended on behalf of the appellants that they are in custody for about 260 days. Son of the appellants met the victim over facebook. A love affair developed. Differences cropped between the couple. Victim-housewife committed suicide. Appellants suffer from various ailments. Investigation is complete.

Learned Additional Public Prosecutor opposes the prayer for bail and submits appellants are the in-laws of the victim-housewife. They tortured her over dowry. She committed suicide within one year of marriage. Date has been fixed for recording of evidence.

We have considered the materials on record. Appellants are the in-laws of the victim-housewife. Allegations of torture against them are general and omnibus. Their son had developed love affair and married the victim. Demand of dowry at the time of marriage is to be

assessed in the light of the aforesaid circumstances. Investigation is complete. There is little possibility of the trial concluding in the near future. Appellants have home and hearth and there is no possibility of their abscondence. Most of the witnesses are relations of the deceased and it is highly unlikely they would be won over. Balancing the nature of accusation with the period of detention suffered by the appellants, we are of the opinion further detention of the appellants is not necessary.

Therefore, the appellants, namely **(1) Rina Gantait & (2) Sridam Gantait**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, Tamluk, Purba Medinipur subject to condition that the said appellants 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)