

30.01.2023
tkm/ct 28
sl no. 39

C.R.M. (DB) 304 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chittaranjan P.S case no.14 of 2022 dated 17.3.2022 under sections 498A/304B/306/201/34 IPC read with sections 3/4 of the DP Act

and

Allowed

In Re : Rakesh Dubey @ Rakesh Kuamr Dubey @ Rakesh Kr. Dubey
@ Sonu petitioner

Mr. A Nag

..... for the petitioner

Ms. Z N Khan

Mr. Ashok Das

..... for the State

Petitioner is in custody for 309 days. Investigation is complete. It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. He prays for bail.

Learned lawyer for the State submits petitioner had a prior marriage. His earlier wife had also committed suicide. Incident occurred within four months of marriage.

In reply, it is contended no criminal case was registered with regard to unnatural death of his first wife.

We have considered the materials on record. Petitioner is in custody for 309 days. We note, though the incident occurred within four months of marriage trial has not commenced till date. There is little possibility of the trial concluding in near future. Victim housewife had committed suicide and the offence, even if proved, may not attract mandatory life imprisonment.

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

Accordingly, the petitioner 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

CJM Paschim Bardhaman at Asansol on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 304 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)