

20.02.2023
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allowed

CRM(DB) No. 690 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lake Town Police Station Case No. 147 of 2022 dated 25.06.2022 under Sections 498A/406/304B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Barun Jana @ Apu petitioner

Mr. Ayan Bhattacharjee
Md. Zohaib Rauf
Ms. Ayesha Sultana

.....for the petitioner

Mr. Binoy Panda
Ms. Puspita Sha

..... for the State

Learned Counsel for the petitioner submits he is in custody for 284 days. It is also submitted that he has been falsely implicated. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim housewife committed suicide three years after marriage.

We have considered the materials on record. Whether the live link of torture over demand of dowry was soon before the unnatural death of the victim requires to be assessed during trial. Investigation is complete and there is no chance of abscondence or winning over of the witnesses. Under such circumstances balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that 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, Bidhannagar, North 24-Parganas, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)