

13.03.2023.
31.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 761 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bishnupur P. S. Case No.17 of 2022 dated 07.02.2022 under Sections 498A/304(B)/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

In the matter of : Srimanta Patra.

.... Petitioner.

Mr. Abhinaba Dan.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioner is in custody for 398 days. It is submitted there is no possibility of trial concluding in the near future. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits bail prayer of the petitioner was rejected earlier on merits.

We have considered the materials on record. Petitioner was the husband of the victim-housewife. She died within one year of marriage. Though the allegations are grave, he is in custody for more than a year. This is not a case of homicidal death. There is no possibility of trial concluding in the near future.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Srimanta Patra 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, Bishnupur, Bankura 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)