

25.04.2023
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 847 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.03.2023 in connection with Chinsurah Police Station Case No.387 of 2022 dated 01.08.2022 under Sections 498A/304B/34 of the Indian Penal Code. (G.R. Case No.1834 of 2022)

And

In Re: ***Tapas Sarkar & Anr.***

... .. Petitioners

Mr. Debasis Kar

... .. for the petitioners

Mr. Kaustav Manna

Ms. Sutapa Upadhyay

... .. for the de-facto complainant

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor

Mr. Santanu Chatterjee

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about eight months. Co-accused have been enlarged on bail. Accordingly, they renew their prayer for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim-housewife died within six months of marriage.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Allegations against the petitioners are serious. Victim-housewife committed suicide within six months of marriage. However, prosecution proposes to examine eight witnesses. There is little possibility of trial concluding in the near future. Offences, if proved, would not attract mandatory life imprisonment. Petitioners have permanent home and hearth and there is no possibility of their abscondence. Balancing the nature of

accusation with the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely **(1) Tapas Sarkar & (2) Mrinmoy Sarkar**, 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 Chief Judicial Magistrate, Hooghly subject to condition that the said petitioners 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.)