

15.03.2023
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 922 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.03.2023 in connection with Kotwali Police Station Case No.932 of 2020 dated 03.12.2020 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re: ***Sudip Karmakar***

... .. Petitioner

Mr. Kusal Kr. Mukherjee
Ms. Suchismita Dutta

... .. for the petitioner

Mr. Bidyut Kr. Roy
Ms. Rita Dutta

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for over 700 days. It is further submitted there is delay in trial.

Learned Advocate for the State opposes the prayer for bail and submits victim-housewife was tortured over demands of dowry and she committed suicide within one year of marriage.

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. There is hardly any progress in the matter since then. Prosecution case does not indicate homicidal death. Balancing the nature of accusation with the period of detention suffered by the petitioner and as there is hardly any progress in the matter since rejection of bail by this court, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Sudip Karmakar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom

must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar subject to condition that the said petitioner 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 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)