

05.04.2023
Sl. No.42
akd
[ALLOWED]

C. R. M. (DB) 1353 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.03.2023 in connection with Dhantala Police Station Case No.919 of 2022 dated 28.12.2022 under Sections 498A/304B/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re: ***Parimal Biswas & Anr.***

... .. Petitioners

Ms. Minoti Gomes

... .. for the petitioners

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

... .. for the State

Petitioners are the parents-in-law of the victim-housewife. It is submitted on behalf of the petitioners that they are in custody for about 98 days. It is further submitted there was a love marriage and the couple used to reside separately. Petitioners have been falsely implicated. Investigation is complete.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners along with the husband of the victim subjected her to torture over demands of dowry. Victim took refuge at her parental home. On the fateful day, there was a phone call made by petitioner no.2 i.e. mother-in-law. Thereafter, victim committed suicide.

We have considered the materials on record. Couple married out of love. At the time of occurrence, victim was residing at her parental home. Allegation that on the fateful day petitioner no.2 made a phone call is not reflected in the FIR. Petitioners have roots in society and there is no possibility of their abscondence. Investigation is complete. Keeping in mind the aforesaid facts and 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) Parimal Biswas & (2) Chitra Biswas**, 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia 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.)