

17.05.2023.
37.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1964 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salanpur P.S. Case No.265 of 2022 dated 08.12.2022 under Sections 489A/306/34 of the Indian Penal Code read with Sections 3 / 4 of the Dowry Prohibition Act.

In the matter of : Chandan Dey.

.... Petitioner.

Mr. Avik Ghatak,
Mr. Saibal Krishna Dasgupta.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Petitioner is in custody for 158 days. It is contended victim-housewife committed suicide 12 years after marriage. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Petitioner is the husband of the victim-housewife. She committed suicide 12 years after marriage. Statutory presumptions under Sections 113A and 113B of the Evidence Act are not attracted. Petitioner has permanent home and hearth and there is no chance of his abscondence.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Chandan Dey 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 Chief Judicial Magistrate, Paschim Bardhaman 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.)