

03.07.2023
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allowed

CRM(DB) No. 2396 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 113 of 2023 dated 01.03.2023 under Sections 498A/304B/306 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Ekramul Mondal @ Roni & Anr. petitioners

Mr. Prabir Majumder
Mr. Snehansu Majumder
....for the petitioners

Mr. S. G. Mukherjee, learned PP
Mr. Aniket Mitra
Ms. Jonaki Saha
.... for the State

Learned Counsel for the petitioners submit that the victim housewife committed suicide at her parental home. Petitioner no. 1/husband was at Mumbai at the time of occurrence. Petitioner no. 2/mother-in-law, was also not present at the spot. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits incident occurred within a month. Petitioners had demanded dowry over telephone.

We have considered the materials on record. Petitioner no. 1 was married to the victim on 03.02.2023. He left for his place of work i.e. Mumbai on 17.02.2023 and the victim housewife committed suicide on 27.02.2023 at the matrimonial home. Petitioner no. 2, mother in law, was not present at the place of occurrence. No material in the form of CDRs to show that there

was telephonic communication between the petitioners and the victim immediately prior to the incident is placed on record. Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioners i.e. 124 days, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 conditions that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)