

07.07.2023
Sl. No.36
akd
[ALLOWED]

C. R. M. (DB) 2699 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.07.2023 in connection with Sagar Police Station Case No.82 of 2023 dated 16.03.2023 under Sections 498A/306/304B/406/34 of the Indian Penal Code. (G.R. Case No.570 of 2023)

And

In Re: ***Tapas Pal***

... .. Petitioner

Mr. Partha Sarathi Mondal

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor

Ms. Faria Hossain

Ms. Mamata Jana

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 118 days. Investigation is complete. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim-housewife was tortured and she committed suicide within five years of marriage.

We have considered the materials on record. It appears there was a dispute between the husband and wife on the fateful day. At night victim-housewife committed suicide. Statement of the minor son recorded under Section 161 of the Code of Criminal Procedure however, does not refer to torture over demands of dowry. Investigation is complete. There is no chance of abscondence and possibility of the trial concluding in the near future is bleak. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Tapas Pal***, 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 Additional Chief Judicial Magistrate, Kakdwip, South 24-Parganas 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.)