

11.07.2023
tkm/ct 28
sl no. 103

C.R.M. (DB) 2759 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Taherpur P.S case no. 116 of 2023 dated 15.3.2023 under sections 498A/304B/34 of the IPC and section 3/4 of the DP Act

and

Allowed

In Re : Tapas Adhikary

... petitioner

Mr. S Majumder

..... for the petitioner

Mr. Debabrata Chatterjee

Mr. Santanu Chatterjee

..... for the State

Petitioner is in custody for 120 days. It is submitted that the allegations of torture over dowry are false. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits that the victim committed suicide within one year of marriage.

We have considered the materials on record. Statements of witnesses show petitioner had an illicit relationship. Over this issue, there was a dispute and victim committed suicide. Whether the ingredients of offence under section 304B IPC are disclosed in the aforesaid factual matrix requires to be assessed during trial.

Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as there is no chance of abscondence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 ACJM Ranaghat, Nadia on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 2759 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)