

12.07.2023
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allowed

CRM(DB) No. 2767 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Simlapal Police Station Case No. 132 of 2022 dated 17.12.2022 under Sections 498A/302/109/34 of the Indian Penal Code.

And

In Re : Rana Pratap Singha Mahapatra & Anr. petitioners

Mr. Arkaprabho Roy

....for the petitioners

Mr. S. G. Mukherjee, learned PP

Ms. Faria Hossain

Ms. Mamata Jana

.... for the State

Learned Counsel for the petitioners submits they are the husband and brother-in-law of the victim housewife. They are in custody for over six months. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits there was telephonic exchanges between the petitioner no. 1/ husband and the victim prior to the incident.

We have considered the materials on record. It is contended that the victim committed suicide due to depression. Contents of telephonic exchanges have not been placed on record. Call detailed records corroborating such allegation is also not placed before us. Keeping in mind the aforesaid facts and period of detention suffered by the petitioners, we are inclined to grant bail to them.

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 Additional Chief Judicial Magistrate Khatra, Bankura, subject to conditions that petitioners 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.)