

21.07.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (DB) 2891 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 Habra Police Station Case No.1034 of 2022 dated 30.10.2022 under Sections 498A/304B/406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re: ***Dipak Chandra Ghosh***

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 275 days. Victim-housewife suffered burn injuries inside the kitchen which was bolted from inside. Investigation is complete. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim-housewife was tortured at the matrimonial home. She committed suicide within fourteen months of marriage.

We have considered the materials on record. Allegations of torture are general and omnibus. Incident occurred inside the kitchen which was bolted from inside. This rules out the possibility of homicidal death. Offence, if proved, would not attract mandatory life imprisonment. There is no chance of abscondence of the petitioner. Balancing the nature of accusation with 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 ***Dipak Chandra Ghosh***, 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 Chief Judicial Magistrate, North 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)