

28.07.2023
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allowed

CRM(DB) No. 2987 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnagar Kotwali Police Station Case No. 250 of 2023 dated 20.03.2023 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Bappa Mukherjee petitioner

Mr. Prabir Majumder

Mr. Snehansu Majumder

....for the petitioner

Mr. Debabrata Chatterjee, learned APP

Mr. Santanu Chatterjee

Ms. Mausumi Sarkar

..... for the State

Learned Counsel for the petitioner submits he is in custody for 127 days. It is also submitted there was a love affair between the parties which fructified into marriage. Parents of the victim were unhappy and misbehaved with the petitioner. Out of depression victim committed suicide. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had tortured the victim housewife and she committed suicide within 11 days after marriage.

We have considered the materials on record. Victim committed suicide at the parental home. Defence version that the parents of the victim were unhappy with the matrimony and misbehaved with the victim requires to be assessed in the course of trial. Investigation is complete. There is no chance of abscondence. Keeping in mind the aforesaid fact and the period of

detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall 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 Chief Judicial Magistrate, Nadia at Krishnagar, subject to conditions that petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his 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.)