

01.09.2023
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allowed

CRM(DB) No. 3403 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hirbandh Police Station Case No. 33 of 2023 dated 07.05.2023 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Somnath Roy & Anr. petitioners

Mr. Samiran Mandal

Mr. Abhinaba Dan

Ms. Sreemoyee Datta

....for the petitioners

Mr. Saswata Gopal Mukherjee, learned PP

Mr. P.P. Das

Mrs. Manasi Roy

.... for the State

1. Petitioner no. 1 is the husband and petitioner no. 2 is the brother-in-law of the victim lady. It is also submitted that they have been falsely implicated. They are in custody for 117 days. Investigation is complete. Accordingly, they pray for bail.

2. Learned Counsel for the State submits petitioners gave false information that the victim was missing. Subsequently body of the victim was recovered from an abandoned room.

3. We have considered the materials on record. Post mortem report shows that the victim died due to hanging which is indicative of suicidal death. Investigation is complete. There is no chance of abscondence of the petitioners. Balancing the nature of accusation with the period of detention suffered by the petitioners we are inclined to grant bail to them.

4. 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)