

15.09.2023
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allowed

CRM(DB) No. 3597 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narayanpur Police Station Case No. 118 of 2023 dated 16.08.2023 under Sections 498A/302/120B/34 of the Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act.

And

In Re : Anirban Chowdhury @ Anirban Chakraborty petitioner

Mr. Sabyasachi Banerjee
Mr. Ayan Bhattacharjee
Mr. Apalak Basu
Mr. Rajesh Kshetry
Ms. Snehal Seth

....for the petitioner

Mr. S. G. Mukherjee, learned PP
Mr. P. P. Das
Mr. M. Roy

.... for the State

Mr. Arnab Sinha
Mr. Amartya Bhattacharya
Mr. J. Bhattacharya

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is a friend of the husband. It is contended that he was not present at the place of occurrence. After the victim lady committed suicide he was informed and rushed to the spot. Thereafter they took the victim to hospital. He has been falsely implicated and is in custody for about 30 days. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits victim lady was subjected to torture over demands of dowry. Petitioner was present at the place of occurrence.

3. Learned Counsel for the de facto complainant submits petitioner assisted the husband to commit the murder.

4. We have considered the materials on record. Petitioner is not a relation of the husband and did not ordinarily reside at the matrimonial home. It is true he came to the matrimonial home on the fateful day. But the petitioner contends he was summoned by his friend, husband of the victim after the occurrence. Allegation of torture does not find support from the post mortem report which notes death was due to hanging. Apart from ligature mark no other injury was noted in the body of the victim. In view of the aforesaid circumstances and as the presence of the petitioner at the place of occurrence prior to death is not evident from the materials on record, we are inclined to enlarge the petitioner on bail.

5. 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 Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas, 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.

6. 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)