

26.09.2023
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allowed

CRM(DB) No. 3728 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kushmandi Police Station Case No. 48 of 2023 dated 05.03.2023 under Sections 498A/304B/34 of the Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act.

And

In Re : Alok Roy petitioner

Mr. Arnab Chatterjee
Ms. Poulami Bose
Ms. Chandrima Debnath
.....for the petitioner

Mr. Saswata Gopal Mukherji, learned PP
Mr. Partha Pratim Das
Mrs. Manasi Roy
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 200 days. It is also submitted that he had married the victim lady out of love. His parents were against the marriage. As a result victim committed suicide.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner/husband had demanded money and tortured the victim housewife.

3. We have considered the materials on record. There are rival versions with regard to the circumstances leading to the unfortunate suicide of the victim. Petitioner is in custody for 200 days and investigation is complete. He has roots in the society and there is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

4. 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, Gangarampur at Buniadpur, subject to condition 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)