

05.10.2023
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 3822 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.09.2023 in connection with Sutamata Police Station Case No.83 of 2023 dated 12.03.2023 under Sections 498A/302/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 498A/304B/34 of the Indian Penal Code, Sections 3/4 of the Dowry Prohibition Act read with Sections 4/6 of the POCSO Act.

And

In Re: **Sk. Sahid Alam**

... .. Petitioner

Mr. Suman De

... .. for the petitioner

Mr. Saswata Gopal Mukherji .. Id. Public Prosecutor

Mr. Parthapratim Das

Mrs. Manasi Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 207 days. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim was a minor and had entered into a love marriage with the petitioner. Petitioner subjected the victim to torture. As a result, she committed suicide within two years of marriage.
3. We have considered the materials on record. Victim committed suicide. Whether the allegation of torture was over demands of dowry requires to be assessed during trial. Investigation is complete. There is no possibility of trial concluding in the near future. Petitioner has permanent home and hearth and there is no chance of his abscondence. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Sk. Sahid Alam**, 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 Judge, Special Court under the POCSO Act, Haldia, Purba Medinipur 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.
5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)