

10.10.2023

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as

Ct.No. 28

C.R.M. (DB) 3914 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Daspur P.S case no. 355 of 2023 dated 17.06.2023 under sections 498A/302/304B/34 IPC read with sections 3/4 of the Dowry Prohibition Act.

Allowed

In Re : **Sukumar Maity & Anr**

... petitioners

Mr. Arindam Jana,
Mr. Soumajit Chatterjee,
Mr. Arhan Sengupta,
Md. S. Biswas,
Mr. P. P. Sinha,
Ms. A. Halder.

..... for the petitioners

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy.

..... for the State

1. Petitioners are the husband and father-in-law of the victim lady respectively. It is contended victim committed suicide and investigation is complete. They pray for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits charge sheet has been filed under Section 302 of the Indian Penal Code.
3. We have considered the materials on record. Post mortem report shows victim died due to ante mortem hanging which is ordinarily suicidal. No other incriminating material indicating homicidal death is placed on record. Investigation is complete. There is no chance of abscondence.

4. Balancing the nature of accusation with the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

5. Accordingly, the petitioners 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, Ghatal, Paschim Medinipur on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)