

D/L. 34
February 8, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 72 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2023 in connection with Kalchini Police Station Case No. 169 of 2022 dated 29.10.2022 under Sections 498A/302 of the Indian Penal Code, 1860 and read with Section 4 of the Dowry Prohibition Act, 1961.
And

In the matter of: Sunil Sah and others

.... Petitioners

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioners

Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State

Learned counsel for the petitioners contends that the petitioners are in-laws of the victim lady, who had an extra-marital relationship. As a result, she ultimately consumed poison and subsequently died. It is contended that the victim was alive even after consumption of poison for some time, but did not give any dying declaration implicating the present petitioners. Hence, it is argued that the petitioners, who are in custody for about 129 days, ought to be granted bail.

Learned counsel for the State vehemently opposes the prayer for bail and submits that the death took place within seven years of marriage. It is

further stated that the deceased lady was about seven months pregnant at the time of her death.

Keeping in view the above submissions of the parties, we cannot rule out the perspective as sought to be portrayed by the petitioners at least on a *prima facie* footing. No useful purpose will be served in having a custodial trial.

Accordingly, CRM (DB) 72 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners furnish individual bonds 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, Alipurduar. The sureties may be common in respect of all the petitioners.

The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioners shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever and/or circulate any video of the victim.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)