

31 05.07.2023
Court
No.1 Tanmoy Ghosh

Allowed-in-part

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 352 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Naxalbari Police Station Case No. 184 of 2022** dated **14.07.2022** under Sections **498A/341/325/307/302/34** of the Indian Penal Code, 1860 read with Sections **3/4** of the Dowry Prohibition Act.
And

In the matter of: - **Kanu Paul & Ors.**

...petitioners.

Mr. Arunava Paul, Adv.

...for the petitioners.

Mr. Ujjwal Luksom, Adv.,
Mr. Tapan Bhattacharjee, Adv.,
Ms. Namrata Das, Adv.

...for the State.

Heard learned Advocate for the petitioners and learned Advocate for the State.

It is contended that considering the long detention of the present accused petitioners and completion of investigation in the matter, the instant application for bail may be considered favourably.

Learned Advocate for the State, while opposing the prayer for bail, draws attention of this Court to the statements recorded under Section 161 as well as under Section 164 of the Code of Criminal Procedure, 1973.

On a perusal of the entire material in the case diary and after hearing learned Advocate for the contending parties, it appears to us that further custody of the present accused petitioner nos.1 and 2 are not necessary and accordingly the prayer for bail of the accused **petitioner nos.1 and 2**, namely, **Kanu Paul** and **Kalpana Paul** is **allowed**.

However, considering the seriousness of the crime as well as the involvement of the present accused petitioner no.3 in the alleged crime, prayer for bail in respect of the accused **petitioner no.3**, namely, **Tapash Paul @ Tapas Paul**, is hereby **refused**.

Accordingly, we direct that the **petitioner nos.1 and 2**, namely, **Kanu Paul** and **Kalpana Paul**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri, on condition that the petitioner nos. 1 and 2 shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which they reside once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner nos.1 and 2 shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner nos.1 and 2 shall not commit any cognizable offence in future.

In the event the petitioner nos.1 and 2 fail to adhere to any of the conditions stipulated above without any justifiable cause, the trial Court shall be at liberty to cancel the bail of the petitioner nos.1 and 2 in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 352 of 2023 is, accordingly disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)