

08.01.2024

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Allowed

C.R.M. (DB) No. 22 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandipur Police Station Case No. 340 of 2022 dated 21.09.2022 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act and Sections 9/10 of the Prohibition of Child Marriage Act.

And

In Re : Naru Gopal Maity petitioner

Mr. Prabir Kumar Mitra

Ms. Subhanwita Ghosh

Ms. Ariba Shahab

.....for the petitioner

Mr. Aniket Mitra

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 417 days. It is also submitted the victim committed suicide. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Bail prayer of the petitioner was turned down in October, 2023. It was noted therein that deceased had suffered "homicidal death". Postmortem report shows death was due to hanging which is most likely suicidal. Keeping in mind the aforesaid facts and as there is no progress in the matter since rejection of bail by this Court we are of the opinion petitioner may be enlarged on bail.

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 Chief Judicial Magistrate, Tamruk, Purba Medinipur, subject to condition that 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 petitioner fails to appear before the trial court without any 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.)