

15.01.2024
cm/ct 28
sl no. 75

C.R.M. (DB) No. 105 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Behala P.S Case No. 226 of 2023** dated **30.08.2023** under Sections **498A/406/494/467/468/471/506/34** of the Indian Penal Code 1860 read with Sections 3 /4 of the Dowry Prohibition Act, 2018.

And

Allowed

In Re : Samik Das.

..... petitioner

Mr. Sanjib Bandopadhyay

... for the petitioner.

Mr. Sourav Chatterjee

Mr. Anindya Ghosh

..... for the De-facto complainant

Mr. Ranabir Roy Chowdhury

Ms. Jonaki Saha

..... for the State

1. Petitioner is in custody for about a month. He submits that he has been falsely implicated in the case and he has cooperated with the investigation. He prays for bail.
2. The learned lawyer for the State opposes the bail prayer of the petitioner. He contends that petitioner had procured fake PAN card/Aadhar Card in his name.
3. The learned lawyer for the de-facto complainant submits that petitioner had obtained loan against her jewelry.
4. We have considered the materials on record. Petitioner has cooperated with the investigation. Allegation of possessing of forged PAN card/Aadhar card do not relate to the matrimonial dispute. Whether the loans obtained during the matrimonial life of the

couple against the properties of the wife were with her consent or not may be assessed during the trial.

5. Keeping in mind the aforesaid facts, we are of the opinion further detention is not necessary and petitioner may be enlarged on bail.

6. Accordingly, the petitioner be released on bail upon furnishing bonds of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM, Alipore on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and he shall meet to the Officer-in-Charge of the Behala police station once in a week until further orders.

7. In the event petitioner fell 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.

8. The application being CRM (DB) No. 105 of 2024 is disposed of.

(Parth Sarathi Sen, J.)

(Joymalya Bagchi, J.)