

23.02.2024.
49.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 557 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daspur P.S. Case No.571 of 2023 dated 13.10.2023 under Sections 498(A)/302/304(B)/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In the matter of : **Sk. Asir Ali.**

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.,
Ms. Mayukhi Mitra.

...for the State.

Md. Zohaib Rauf,
Mr. Aditya Ratan Tiwary.

...for the de-facto complainant.

1. Petitioner is in custody for 108 days. He submits he was residing with his wife at her grandmother's house. On the fateful day, there was a domestic quarrel and victim committed suicide. There is inordinate delay of 60 days in lodging First Information Report. Case of torture over demand of dowry has been subsequently manufactured. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner-husband had subjected the victim housewife to torture over demands of dowry. As a result, she committed suicide.

3. Learned Advocate for the de-facto complainant submits incident occurred at the residence of the grandmother of the

victim. Delay in the matter was due to systemic reasons and his client cannot be blamed for it.

4. We have considered the materials on record. Petitioner contends couple used to reside at the residence of the grandmother of the victim. There was a domestic quarrel and the victim had committed suicide. Statements of the grandparents do not corroborate that of the parents of the victim with regard to demand of dowry. There is a two month delay in lodging First Information Report. Whether the allegation of torture over dowry was belatedly concocted requires to be assessed in the light of the aforesaid circumstances at the appropriate stage of the proceeding. Petitioner has permanent home and hearth and there is no chance of abscondence. Investigation is complete.

5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Sk. Asir Ali** 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 Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur subject to condition that he 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.

7. In the event the 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)