

04.04.2024
Sl. No.38
akd
[ALLOWED]

C. R. M. (DB) 945 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.03.2024 in connection with Liluah Police Station Case No.209 of 2019 dated 25.08.2019 under Sections 498A/326/307 of the Indian Penal Code and subsequently charge sheet submitted under Sections 498A/304B/302 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.4014 of 2019)

And

In Re: ***Ranjit @ Ranajit Das***

... .. Petitioner

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett
Mr. Abhijit Bose

... .. for the petitioner

Mr. Bibaswan Bhattacharya
Mr. Dattatreya Dutta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about four years and four months. It is further submitted petitioner tried to save his wife and was hospitalised. No witnesses have been examined till date. Accordingly, he renews his prayer for bail.
2. Report is placed on record.
3. Learned Advocate for the State opposes the prayer for bail and submits victim had made a dying declaration implicating the petitioner. His bail prayer was rejected on merits on a number of occasions.
4. We have considered the materials on record. Petitioner is the husband of the victim lady. It is true victim made a dying declaration implicating the petitioner. On such score his bail prayer was rejected on a number of occasions. However, authenticity of the dying declaration requires to be assessed in the light of the fact that the

petitioner had also suffered burn injuries. That apart, he is in custody for about four years and four months and no prosecution witness has been examined till date. Though allegations are grave, there is inordinate delay in trial due to the indolent stance of the prosecution in not examining witnesses. Under such circumstances, we are of the opinion petitioner has been able to make out a case for grant of bail on the ground of inordinate delay in trial. Hence, we are inclined to grant bail to the petitioner.

5. Therefore, the accused/petitioner, namely ***Ranjit @ Ranajit Das***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that the said 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.
6. In the event he fails 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)