

24.04.2024
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allowed

CRM (DB) No. 1276 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Frezerganj Coastal Police Station Case No. 123 of 2023 dated 09.11.2023 under Sections 498A/304B/306/406 of the Indian Penal Code.

And

In Re : Arun Mondal @ Mandal petitioner

Ms. Subhasree Patel

....for the petitioner

Mr. Subhamoy Bhattacharya

Ms. Sonali Bhar

.... for the State

1. Learned Counsel for the petitioner submits he is the husband of the victim housewife. She had left matrimonial home without reasonable cause. When the petitioner insisted her to return to her matrimonial home she committed suicide. Allegation of torture over demand of dowry is false. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner had gone to the parental home of the victim's housewife. Thereafter she committed suicide.

3. We have considered the materials on record. Incident occurred six years after marriage. It is alleged victim was tortured and took refuge at her parental home. On the fateful day petitioner came to her parental home with the minor. Possibility of altercation as the victim refused to return to her matrimonial home cannot be ruled out. Under such circumstances, victim

committed suicide. It is to be seen in the course of trial whether there is a livelink between the alleged demand of dowry and the unnatural death of the victim. Investigation is complete. There is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Kakdwip, South 24-Parganas, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without 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.)