

21.06.2024
Item no.41.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1853 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 13.06.2024 in connection with Jagatballavpur Police Station Case No. 293 of 2023 dated 20.11.2023 under Sections 498A/326A/307 of the Indian Penal Code.

And

In the matter of : Anup Bag.

.....Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Aridam Poali,for the Petitioner.

Mr. Ikbal Kabir,
Mrs. Baishakhi Chatterjee,for the State.

Mr. Debapriya Majumder,
...for the de facto complainant.

The de facto complainant is the father of the victim lady. The petitioner is the victim lady's husband.

The petitioner says that he has been framed. The parties have sorted out the matter and the victim girl is back in the matrimonial home. There is no certainty as to when the trial will conclude. He should be released on bail. Both the prosecution witnesses who have been examined till now have been declared hostile.

Learned advocate for the de facto complainant/victim girl does not oppose the prayer for bail. He says that he has

instructions from his clients who are present in Court and are identified to us, not to oppose the prayer.

Learned advocate for the State while opposing the prayer for bail, says that 2 out of 13 witnesses have already been examined. The trial may be concluded at an early date.

Having considered the facts and circumstances of the case, we are of the opinion that further custodial detention of the petitioner may not be necessary. Hence, we grant bail to him but on stringent condition.

Accordingly, we direct that the petitioner namely **Anup Bag** 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, Howrah and on further conditions that the petitioner shall not enter the jurisdiction of Jagatballavpur Police Station except for attending Court proceedings and shall provide the address where he shall presently reside to the Officer-in-Charge of the concerned police station. The petitioner shall also meet the Officer-in-Charge of the concerned police station once in a fortnight until further orders and on further conditions that he shall stay away from the matrimonial home where the victim is presently residing till the conclusion of the trial.

The 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)