

31.
Court
No.28

05.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1908 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Suti Police Station Case No.48 of 2024** dated **19.01.2024** under Sections **498A/304B/34** of the Indian Penal Code, 1860, read with Sections **3/4** of the Dowry Prohibition Act.

And

In the matter of: - **Prakash Das @ Prakash Chandra Das**

...petitioner.

Ms. Sabana Hasin, Adv.,
Ms. Samima Akter Banu, Adv.,
Ms. Neha Roy, Adv.

...for the petitioner.

Mr. Sanjoy Bardhan, Adv.,
Ms. Snigdha Saha, Adv.

...for the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Counsel for the petitioner submits that the petitioner being the husband of the victim lady, has been languishing in judicial custody for about 165 days. Investigation is complete and there is no need for further custodial detention of the present petitioner.

Learned Counsel for the State opposes the prayer for bail. According to him, the untimely death of the victim occurred within one year and nine months of marriage. On the fateful day there was a quarrel and for that purpose attempt had been made for amicable settlement of the disputes between the parties.

However, being unable to bear the torture, the victim lady committed suicide by hanging herself.

We have gone through the material in the case diary wherefrom it appears that investigation is complete so far as the present petitioner is concerned.

Considering the period of detention and also the fact that investigation is complete, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Prakash Das @ Prakash Chandra Das** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, 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 any 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 being CRM (DB) 1908 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)