

02.07.2024

Item No.1

Ct.No.34

b.das

Allowed

C.R.M. (SB) 88 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with AJC Bose B. Garden Police Station Case No. 231 of 2023 dated 22.10.2023 under Sections 498A/325/406/506 of the Indian Penal Code.

And

In Re : **Satyam @ Shri Satyam**

... Petitioner.

Mr. Daipayan Kundu

... for the Petitioner.

Mr. Debasish Roy

Mr. Arijit Ganguly

Mr. Subrata Roy

... For the State.

Mr. Randhip Singh

Sk. Md. Wasim Akram

Md. Asif

Mr. Sourav Misra

...for the defacto complainant.

The allegation against the petitioner is under Sections 498A/325/406/506 of the Indian Penal Code. The petitioner is in custody since 25th June, 2024.

Learned counsel for the petitioner submits that the petitioner who is the husband of the defacto complainant has been falsely implicated.

The petitioner complied with the first notice served under Section 41A of the Code of Criminal Procedure though there is no endorsement to the said effect by the investigating officer. Two subsequent notices were served upon the petitioner after he was apprehended.

The petitioner seeks bail.

Learned counsel for the prosecution produces the Case Diary and opposes the prayer.

Learned counsel for the defacto complainant also opposes the prayer for bail on the ground that the defacto complainant was driven out of her matrimonial home by the petitioner and her streedhan articles are lying at the matrimonial home.

In reply, learned counsel for the petitioner submits that the entire streedhan articles have been shifted by the defacto complainant to her brother.

The allegation with regard to the streedhan articles of the defacto complainant is a triable issue.

Upon consideration of the materials available in the Case Diary, particularly statement of the defacto complainant recorded under Section 164 of the Code of Criminal Procedure this Court is inclined to hold that further detention of the petitioner is not required for the purpose of custodial interrogation.

Accordingly, the prayer for bail is allowed.

The petitioner shall be released on bail upon furnishing 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 he shall appear before the investigating officer of the case once in a week and shall cooperate with investigation till submission of charge-sheet.

The application for bail, being CRM (SB) 88 of 2024, is, thus, disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)