

22.
Court
No.28

27.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2220 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 **Raipur** Police Station Case **No.21/24** dated **01.03.2024** under Sections **306/34** of the Indian Penal Code.

And

In the matter of: - **Tribhuban Dey**

...petitioner.

Mr. Hare Krishna Haldar
Mr. Debasis Sur
Mr. Dilip Kumar Das
Mr. Himadri Sekhar Paul
Mr. Anshuman Patra

...for the petitioner.

Ms. Sonali Das
Mr. Debanik Das

...for the State.

Dictated by Bivas Pattanayak, J.

1. The allegations made in the written complaint relate to offence under Sections 306/34 of the Indian Penal Code.
2. Learned Advocate appearing on behalf of the petitioner submits that there is no such direct implication of the petitioner so far the alleged offence is concerned. The petitioner is languishing in custody for 171 days. The trial of the case has not yet commenced. He seeks for enlargement of the accused/petitioner on bail.
3. Learned Advocate appearing for the State, while opposing the prayer for bail, submits that the wife of the victim had illicit relationship with the present petitioner which led to committing of suicide by the victim. The present petitioner is

the principal accused and statements of witnesses support the allegations made in the written complaint. On such ground the prayer for bail of the petitioner should be rejected.

4. On going through the material on record and statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973, it appears that there are allegations of cruelty being inflicted by the wife upon the victim, which led to consumption of poison by the victim. The case is based on circumstantial evidence. The petitioner is in custody for 171 days.
5. Considering the above and also keeping in mind the period of detention of the petitioner, we are inclined to enlarge the petitioner on bail.
6. Accordingly, we direct that the petitioner, namely, **Tribhuban Dey** 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 District & Sessions Judge, Khatra, Bankura, 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.
7. 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 his bail in accordance with law without further reference to this Court.

8. The application for bail being CRM (DB) 2220 of 2024 is accordingly disposed of.
9. 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.)

(Bivas Pattanayak, J.)