

12.09.2024.
84.
Ct.No.6.
as
(Allowed)

C.R.M. (DB) 2752 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Manicktala P.S. Case No.75 of 2024 dated 24.05.2024 under Sections 498A/304B/306 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In the matter of : **Rakesh Halder.**

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioner.

Mr. Iqbal Kabir,
Ms. Chandrei Dutta.

...for the State.

1. Petitioner submits there was matrimonial discord as he was addicted to alcohol. Allegation of torture on demand of dowry is false. He is in custody for 182 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Statement of neighbour shows petitioner was addicted to liquor and this resulted in matrimonial discord. Allegation of cruelty on the ground of demand of dowry has to be assessed in light of the aforesaid statement during trial.
4. In view of the aforesaid circumstances as well as the period of detention suffered by the petitioner, we are inclined to enlarge the petitioner on bail.

5. Accordingly, the petitioner viz., **Rakesh Halder** 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, Sealdah, South 24-Paraganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to appear before the trial court 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.
7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)