

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

02.04.2024
Court No.01
rpan /63

CRM (DB) 121 of 2024

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

In Re: Ajoy Roy

- Petitioner.

Ms. Madhushri Dutta

.... for the Petitioner.

Mr. Ujjwal Luksom,

Ms. Namrata Das

...for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Kuchlibari Police Station Case No.56 of 2023 dated 19.05.2023 under Sections 498A/304B of the Indian Penal Code.

Ms. Dutta, learned advocate appearing for the petitioner submits that the petitioner has already suffered detention for 102 days. Upon completion of investigation chargesheet has already been submitted. No overt act has been attributed to the petitioner. The petitioner's wife committed suicide about five years after the marriage. The other co-accused persons had been granted anticipatory bail. In the said conspectus, further detention of the petitioner may not be necessary.

Mr. Luksom, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as well as the *post-mortem* report.

Upon hearing the learned advocates and considering the materials in the case diary including the statement of the witnesses and the *post-mortem* report, the nature of allegations, the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner may not be necessary, moreso when upon completion of investigation chargesheet has already been submitted.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 Additional Chief Judicial Magistrate, Mekhliganj with a further condition that he shall meet with the Officer-in-Charge, Kuchlibari Police Station once a fortnight till the conclusion of the trial and shall also attend the learned trial court on all the dates as fixed for hearing.

It is further directed that the petitioner shall not influence the witnesses and/or tamper with the evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel his bail without any further reference to this Court.

With the above observations and direction, the application for bail, being CRM (DB) 121 of 2024, is disposed of.

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

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)