

16.08.2024.

Item No. 8

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 319 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 11.07.2024 in connection with Sahebganj Police Station Case No. 166 of 2024 dated 24.03.2024 under Sections 498A/304B of the Indian Penal Code.

And

In the matter of: **Anup Roy.** ...Petitioner.

Mr. Sudip Guha. ...For the petitioner

Mr. Nilay Chakraborty, ld. APP,
Mr. Sourav Ganguly.For the State

1. The application for bail is canvassed on the ground that the petitioner is in custody for 144 days.
2. It appears from the complaint and the statements available in the case diary that the victim committed suicide by hanging within six months of her marriage. There are no allegations of any physical assault or torture on the victim. There are no allegations of any dowry demand.
3. The case diary indicates that the victim was only prevented from talking to her parents. The marriage between the petitioner and the victim was opposed by the family of the victim. After marriage, however, the petitioner and the victim lived with his family in his house.

4. In the backdrop of the aforesaid, while it is true that the victim might have been mentally unhappy and there was disharmony between the victim and the petitioner's family, the abetment by the petitioner and his family members in the house and/or causal connection between the actions of the petitioner and his family and the actual suicide of the victim is not prima facie evident. These are the matters that are required to be proved in course of trial.

5. In the above circumstances, this Court is inclined to enlarge the petitioner on bail.

6. Let the petitioner be released on bail upon furnishing a bond of Rs.1000/- with two sureties of Rs.500/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata subject to the condition that after release, the petitioner shall attend the Court below on all the dates, as specified for hearing.

7. It is made clear that in the event the petitioner fails to comply with the aforesaid direction without any justifiable cause, the learned Trial Court would be at liberty to cancel his bail without any further reference to this Court.

8. C.R.M. (DB) No. 319 of 2024 is, thus, disposed of.

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

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)

