

16.08.2024.

Item No. 9

Court No.1

ap

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

C.R.M. (DB) No. 321 of 2024

In Re:- An application for bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) filed on 12.07.2024 in connection with Sitalkuchi Police Station Case No. 199 of 2024 dated 30.04.2024 under Sections 498A/304B of the Indian Penal Code read with Sections 9/11 of the Prohibition of Child Marriage Act, 2006.

And

In the matter of: **Jainul Miah @ Joinul Mia.** ...Petitioner.

Mr. Hillol Saha Poder,
Ms. Mousumi Das.

...For the petitioner

Mr. Ujjwal Luksom,
Mr. Chattu Roy.

....For the State

1. The application for bail is canvassed on the ground that the petitioner is in custody for 108 days and charge-sheet has been submitted.
2. The petitioner is the brother-in-law of the victim, who committed suicide within six months of her marriage. Both the husband and the victim were minors. The husband is being tried as a juvenile and has been granted bail. The mother-in-law and the father-in-law are absconding.
3. The petitioner is the brother-in-law against whom allegations of demand of dowry and mental and physical torture are made in the complaint by the victim's parents.

4. The allegations are extremely generic in nature. The particulars of demand of dowry and physical and mental tortures of the victim are not available from the case diary. The source of information of such physical and mental torture is not indicated.

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.5000/- with two sureties of Rs.2500/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabanga, Cooch Behar 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. 321 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.)

