

0909

2024

MONDAY

COURT : 01
ITEM : 26
MATTER : 439
STATUS : ALLOWED
BENCH ID : 1430
TRANSCRIBER : NANDY

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 442 of 2024

In Re:- An application for **Bail** under section **439** of the Code of Criminal Procedure filed on July 26, 2024 in connection with Bhaktinagar Police Station Case No. 667 of 2023 dated 02.08.2023 under Sections 498A/325/326/307/34 of the Indian Penal Code read with Section 3 & 4 of the Dowry Prohibition Act. (G.R. Case No. 4067 of 2023)

And

In the matter of : **RAJESH ADHIKARY**

.....Petitioner

Mr. Aniruddha Biswas, Advocate

Mr. Kanak Mishra, Advocate

.....for the Petitioner

Mr. Kallol Acharjee, Advocate

Mr. Kallol Nag, Advocate

.....for the State

1. Admittedly the anticipatory bail filed by the petitioner was rejected on 20.02.2024 in CRM (A) 134 of 2024. It was noticed that there is a serious allegation made by the victim lady in relation to an attempt to kill her by burning the 'Saree' upon pouring 'Kerosene' oil and since the investigation was at the nebulous stage, this Court does not find that the custodial interrogation of the petitioner was not necessary and proceeded to dismissed the anticipatory bail. The instant bail application is taken out after completion of an investigation and filing of the charge-sheet before the Court.
2. We have gone through the statement of the victim lady recorded under Section 164 of the Code of Civil Procedure where she has disclosed the role of the petitioner in commission of an offence for which he has

been taken into custody. We further find from her statement that the petitioner stands on the same footing that of the other co-accused which according to her jointly attempted to ablaze the 'Saree' upon pouring 'Kerosene' oil.

3. Though the State opposes the prayer for bail but we find that the other co-accused has already been released on bail by the Sessions Court. Astonishingly, we do not find any medical examination having been conducted upon the victim lady and, therefore, we are unable to ascertain the nature of the injury which she suffered because of the alleged incident. Since the charge-sheet has already been submitted after the investigation is over, we do not find any justification in keeping the petitioner in custody.
4. Accordingly, the prayer for bail is **allowed**.
5. The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Chief Judicial Magistrate, Jalpaiguri, on condition that he shall not intimidate the witnesses and/or destroy the evidence and shall attend the Court each and every day. In default, the petitioner will lose the privilege of being on bail and the Trial Court will be at liberty to cancel the bail without reference.
6. The application being **CRM (DB) 442 of 2024** is **disposed of**.

(Harish Tandon, J)

(Apurba Sinha Ray, J)