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08-11-2024
(ct. no.01)
S. De
(Allowed)

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

CRM (DB) 547 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Jalpaiguri Women Police Station Case No. 23 of 2023** dated **20.04.2023** under **Sections 498A/494/302/34** of the Indian Penal Code read with **Section 3/4** of Dowry Prohibition Act.

And

In the matter of : Dipankar Roy.

.....Petitioner.

Mr. Arijit Ghosh,
Ms. Angana Rakshit,
Ms. Rikta Sarkar,for the Petitioner.

Mr. Ujjwal Luksom
Mr. Sanjiv Das,for the State.

Dictated by Biswaroop Chowdhury, J.

1. Learned advocate for the petitioner and learned advocate for the opposite party/State are present.
2. Heard learned advocates for the parties.
3. Perused the materials in the case diary.
4. Learned advocate for the petitioner submits that his client is falsely implicated in the instant case and he is in custody for 567 days. It is further submitted that four co-accused persons are on bail and two are absconding.
5. Learned advocate for the opposite party/State opposes the prayer for bail.
6. Upon perusal of the materials in the case diary, the post mortem report, the injury report, it appears that the death of the victim

took place due to burn injury. Upon further perusal of the materials in the case diary and the period of detention and the fact that the trial is yet to start and four accused persons are on bail, this court is of the view that in the interest of justice the petitioner should be enlarged on bail.

7. Thus, we allow the prayer for bail made by the petitioner.

8. Accordingly, we direct that the petitioner, namely **Dipankar Roy** 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 Chief Judicial Magistrate, Jalpaiguri and on further conditions that he shall not leave the jurisdiction of the Court until further orders and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

9. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

10. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

11. The application for bail is, accordingly, allowed.

12. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)