

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (DB) 551 of 2024**

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Sitai Police Station** Case No. **32 of 2024** dated **17.02.2024** under Sections **498A/304B/34** of the Indian Penal Code.

- A n d -

In the matter of : Sri Shambhujit @ Shambhu Das & Ors.

.... Petitioners.

Mr. Rajdeep Mazumdar,
Mr. Avrojoyoti Das,
Mrs. Arushi Rathor,
Mr. Rajdeep Das,

... For the Petitioners.

Mr. Saikat Chatterjee,
Mr. Chattu Roy,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner no. 1 is the husband, the petitioner no. 2 is the father-in-law and the petitioner no. 3 is the mother-in-law of the victim lady who killed herself by hanging. The charge is under Sections 498A/304B/34 of the Indian Penal Code.

2. The petitioners say that they have been falsely implicated. They did not mete out any cruelty or torture to the victim lady. They say that they are in custody for 281 days. Nothing has progressed in the trial. They renew their prayer for bail which was last rejected on August 21, 2024.

3. Strongly opposing the prayer for bail, learned State Advocate says that the victim lady died within eight months of marriage. She was 18 years of age. At the time of her death she

was carrying a child. The evidence against the petitioners is overwhelming. Bail should not be granted.

4. We have considered the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We do not find any statement having been recorded under Section 164 of the Code of Criminal Procedure. The brother and mother of the victim lady implicated the petitioners. However, we have to keep in mind that they are interested witnesses. We have also seen the statements of neighbours. The allegations in such statements are general and omnibus.

5. On an overall consideration of the facts and circumstances of the case and the fact that charge sheet has been filed upon completion of investigation and that both the petitioner nos. 2 and 3 are senior citizens aged about 64 and 60 years respectively, we are inclined to grant bail to the petitioner nos. 2 and 3. Their prayer for bail is allowed.

6. Accordingly, we direct that the petitioners, namely, **Sri Ananta Kumar Das @ Ukil Das and Basanti Das**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Dinhata subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall not enter the jurisdiction of Sitai Police Station and shall

provide their current address where they will reside to the officer-in-charge of the concerned police station and also to the jurisdictional learned Trial Court.

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

8. However, we are not inclined to grant bail to the petitioner no. 1, being the husband of the victim lady, at this stage, in view of his prima facie involvement in the alleged offence.

9. The application for bail stands rejected in so far as the petitioner no. 1 is concerned.

10. The application for bail is, accordingly, disposed of.

11. 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.)