

28.04.2025

51

jb.

jdt.

Allowed

C.R.M. (DB) 792 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/ under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Saktipur Police Station Case No. 180 of 2024 dated 29.06.2024 under Sections 498A/304B/306/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Prosenjit Mondal @ Prasenjrit Mondal

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

... For the Petitioner.

Ms. Minoti Gomes

Mr. Soumadip Saha

... For the State.

The petitioner is in custody for more than 10 months and prays for bail.

Learned counsel for the State opposes the prayer.

A 15 year old girl was married to the petitioner who committed suicide by hanging within a year of her marriage. It is alleged that the petitioner and the co-accused inflicted torture upon her which led to her committing suicide. Co-accused are on bail.

Whether the conduct of the petitioner can be considered to be the proximate cause for alleged commitment of suicide by the victim shall be assessed at the appropriate stage of the proceeding.

Considering the material on record as well as the extent of complicity of the petitioner herein, this Court is of the view that

further detention of the petitioner is not required and he may be granted bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Prosenjit Mondal @ Prasenjit Mondal shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Berhampore, Murshidabad subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and he shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)