

17.01.2025
Item no. 74.
Court No.29.
AB
(Partly Allowed)

CRM (DB) 3438 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kenda Police Station Case No.36 of 2024 Dated 21.05.2024 under Sections 498A/302/304B/34 of the Indian Penal Code read with Section 4 of the DP Act

And

In the matter of : Sanket Goswami @ Sankit Goswami & Ors.

.....Petitioners.

Mr. Sabir Ahamed,
Mr. Pawan Kr. Gupta,
Mr. Saugata Mitra,
Ms. Sofia Nesar,
Mr. Santanu Seth,
Mr. N. K. Gupta,
Ms. Soma Chakraborty,
Mr. Subhadeep Moitrafor the Petitioners.

Ms. Sayanti Santra,
Mr. Abhishek Vermafor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated. The victim died a natural death and there is no external injury as per the post mortem report. The present petitioners took the victim to the hospital where she was declared dead. As the petitioners are in custody for a substantial period of time and investigation is complete, they may be enlarged on bail on any condition.

2. Learned Counsel for the State opposes the prayer for bail. According to her, there are sufficient incriminating materials showing that the petitioners inflicted torture upon the victim and she died within two years of her marriage. The neighbours have also stated before the Investigating Officer that the victim was subjected to torture at the instance of the present petitioners. If the petitioners are enlarged on bail, the prosecution may suffer.
3. We have considered the materials on record including the post mortem report. There is a doubt whether the victim died a natural death. Considering the period of detention of the petitioner nos.2 and 3 and also considering the fact that they are parents in law of the victim, we are inclined to enlarge them on bail on certain conditions.
4. However, as the petitioner no.1, namely, **Sanket Goswami @ Sankit Goswami** is the husband of the victim and there are sufficient incriminating materials against him, we are not inclined to enlarge him on bail, at this stage.
5. The prayer for bail of the petitioner no.1 stands rejected.
6. Accordingly, we direct that the petitioner nos.2 and 3, namely **DIPAK GOSWAMI** and **MANJU GOSWAMI** 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 Chief Judicial Magistrate, Purulia, and on further conditions that they 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 and/or commit any cognizable offence in any manner whatsoever.

7. In the event the petitioner nos. 2 and 3 fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
8. The application for bail is, accordingly, partly allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

