

20.02.2025
Item No.33
Court No.26
Allowed
CHC

CRM (DB) 4238 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita Act, 2023, in connection with **Contai** Police Station Case No. **218 of 2020** dated 30.06.2020 under Sections **498A/304B/34** of the Indian Penal Code, 1860, charges framed under Sections 498A/304B/302/34 of the Indian Penal Code, 1860..

-And-

In the matter of : Pradip Jana

... ... Petitioner

Mr. Sourov Mondal, Advocate

Mr. Archan Datta, Advocate

Mr. Rony Mondal, Advocate

Mr. Arijit Bhuiya, Advocate

... ... For the Petitioner

Mr. Md. Adil Badr, Jr. Govt. Advocate

Ms. Trina Mitra, Advocate

... ...For the State

1. Petitioner renews the prayer for bail.
2. Renewal prayer is founded upon the principles of Article 21 of the Constitution of India in view of period of custody being in excess of 4 years 7 months and change in circumstances.
3. Deposition of the so-called eyewitness before trial court is placed to contend that there is a change in circumstances from the earlier order of rejection.
4. Learned advocate appearing for the State opposes the prayer for grant of bail.
5. It is submitted on behalf of the State that, out of 14 prosecution witnesses, 12 stands examined.
6. We find that, prosecution examined P.W.6 as an eyewitness to the incident of dowry death. In cross-examination, P.W.6

stated that, he went to sleep in the night and woke up in the morning and on waking up he found his mother, the victim, to pass away. In reply to the query of the Court P.W.6 stated that, he did not see any incident before the death of the victim.

7. On the principles of Article 21 of the Constitution of India as also the deposition of P.W.6 we grant bail to the petitioner.
8. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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, Contai**, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
9. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
10. The prayer for bail of the petitioner is **allowed**.
11. CRM(DB) 4238 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)