

15. 09.01.2025
Court
No.28 (Tanmoy)

Allowed

CRM (DB) 4422 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Palashipara** Police Station Case No. **395/2024** dated **08.08.2024** under Sections **85/80/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Abhijit Mondal @ Bhador**

...petitioner.

Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioner.

Ms. Sujata Das
Mr. Tirupati Mukherjee

...for the State.

Mr. Atis Kumar Biswas
Mrs. Jyoti Agarwal

...for the *de facto* complainant.

1. Learned Lawyer for the petitioner submits petitioner is in custody for 147 days. There were domestic disputes and out of depression victim committed suicide. Allegation of demand of dowry is patently false. Co-accused have been enlarged on bail. He prays for bail.
2. Learned Lawyer for the State opposes the prayer for bail.
3. Learned Lawyer for the *de facto* complainant submits there was incessant demand of dowry. Due to torture victim committed suicide. Prayer has been made for further custodial investigation of the petitioner.
4. We have considered the materials on record. The petitioner and the victim fell in love and got married. Subsequently, victim committed suicide. It is alleged the victim was pressurized for dowry. Whatsapp communications have

been placed before this Court. Some of the communications disclose discord between the parties were over other reasons and depression of the victim on such score cannot be ruled out.

5. Petitioner is in custody for 147 days. There is no chance of abscondence of the petitioner. Co-accused have been enlarged on bail. Continuation of further investigation, if any, would not be hampered in the event the petitioner is released on bail.
6. Accordingly, we direct the petitioner, namely, **Abhijit Mondal @ Bhador** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia, subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
8. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)