

25.06.2021

Court No.28
Item No.36

Ab
&
saswata

CRM 2538 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 08.03.2021 in connection with Hanskhali Police Station Case No. 27 of 2021, dated 13.01.2021 under Sections 498A/307/406/34 of the Indian Penal Code.

And

In the matter of : **Ujjal Biswas**

...Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

...For the Petitioner

Ms. Sukanya Bhattacharyya,
Mr. Md. Kutubuddin,

... For the State

Ms. Manasi Roy

...For the de facto complainant.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Hanskhali Police Station Case No. 27 of 2021 under Sections 498A/307/406/34 of the Indian Penal Code.

It is submitted by the learned Advocate for the petitioner that the petitioner has been falsely implicated in this case. It is a cooked up case in consequence of a strained relationship between the husband and wife. Sometimes in February 2019, according to the petitioner, the victim was caught with fire, while cooking and then she was moved to hospital for treatment. After recovery, she returned to home and started living conjugal life again. Two years after, the victim woke up again and lodged this false case against the husband.

Learned Advocate for the State raises objection. It is submitted that the petitioner/husband attempted to kill his wife twice and this is the second attempt when the accused/husband attempted to kill his wife by strangulation after putting her to suffer continuous cruelty. Thus, our attention is drawn to the statements of the neighbours including the medical document in support of the injury,

the victim sustained so as to enforce objection against pray for bail.

Significant fact is that petitioner is in custody for about 150 days in connection with allegation surfaced against him.

Having considered the submissions of both sides and bearing in mind the period of detention already undergone by the petitioner together with a fact that the case being borne out of strained conjugal relationship, and the nature of allegation being always subject to proof by the quality of the evidence, which is a matter of trial, and the extent of injury sustained by the victim, we are not in favour of detaining the accused in custody anymore.

The prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the condition that the petitioner 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.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 2538 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)