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(AD) 08.12.2021

Court No.28

(Allowed)

C.R.M. 6085 of 2021
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Criminal Misc. Case No.220 of 2021 corresponding to G.R. Case No.264 of 2021 arising out of **Bhagwangola** P.S. Case No.**50 of 2021** dated **24/01/2021** under Sections **498A/302/120B** of the Indian Penal Code and Sections **3/4** of the Dowry Prohibition Act.

And

In the matter of: Laltu Sk

....petitioner.

Ms. Sreyashee Biswas
Ms. Benajir Hasna

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP
Mr. N.P. Agarwala
Mr. Aniket Mitra

... for the State.

Petitioner is in custody for 316 days. Investigation is complete. He prays for bail.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victim was subjected to torture on the day when she committed suicide.

We have considered the materials on record. Incident occurred eight years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted in the facts of the present case. Apart from the ligature mark, no mark of injury is evident from the post-mortem report probablisising assault by the petitioner.

In view of the aforesaid facts, the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon

furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for bail being **C.R.M. 6085 of 2021** is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)