

CRM (DB) 325 of 2022
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Ashis Kumar Maji @ Ashis Maji

.....Petitioner

**Mr. Arindam Sen,
Mr. Asit Bera**

.....for the Petitioner

**Mr. Debabrata Chatterjee
Ms. Manasi Sharma**

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chanditala P.S. Case No. 335 of 2021 dated 31.08.2021 under Sections 498A/406/313 of the Indian Penal Code.

Mr. Sen, learned advocate appearing for the petitioner submits that the petitioner is innocent. The allegations against him are unfounded. The ingredients of Section 313 of the Code are not attracted against the petitioner. He had already suffered incarceration for about 64 days and in the said conspectus, he may be enlarged on bail on any stringent condition.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code as well as the medical reports.

It appears that the victim lady underwent abortion on 22nd April, 2021. However, the complaint was lodged about four months thereafter. The medical documents, *prima facie*, reveal

that such abortion was on normal medical grounds. Considering the nature of accusations, the period of detention already suffered by the petitioner and the possible extent of his complicity in the alleged offence, we are of the opinion that his further detention is not necessary.

Accordingly, we allow the bail to the petitioner, namely, **Ashis Kumar Maji @ Ashis Maji** on furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for bail, being CRM (DB) 325 of 2022, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)