

07.06.2022.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1341 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P. S. Case No.119 of 2022 dated 28.02.2022 under Sections 498A/306/34 of the Indian Penal Code.

In the matter of : Minarul Sk.

.... Petitioner.

Mr. Amanul Islam,
Mr. Sourav Mukherjee.

...for the Petitioner.

Mr. Tanmay Kr. Ghosh,
Ms. Pritha Paul.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that the incident arose out of a domestic dispute. Petitioner did not abet the suicide of the victim which occurred 13 years after marriage.

Learned Advocate appearing for the State opposes the prayer for bail and submits that victim lady was subjected to torture by the petitioner. As a result, she committed suicide.

We have considered the materials on record including the statements of witnesses. Allegations of torture are general and omnibus in nature. Incident occurred 13 years after marriage and statutory presumption under Section 113A of the Evidence Act is not attracted in the facts and circumstances of the case.

Under such circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, the petitioner Nos.1 and 3 shall 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 Chief Judicial Magistrate, Nadia subject to 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 appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)