

21.06.2022.
19.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1535 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali P. S. Case No.222 of 2022 dated 09.03.2022 under Sections 498A/306/34 of the Indian Penal Code

In the matter of : Dulal Singha Roy & Anr.

.... Petitioners.

Mr. Sourav Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee.

...for the Petitioners.

Mr. Tanmoy Kr. Ghosh,
Mr. Arindam Sen.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioners are the parents-in-law of the victim housewife. They renew their prayer for bail. It is contended though FIR was registered under Section 302 IPC, upon conclusion of investigation police report has been filed under Section 306 IPC. Incident occurred eight years after marriage.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though first information report was registered under Section 302 IPC, charge sheet appears to have been filed under Section 306 IPC. Incident occurred eight years after marriage. Allegations are general and omnibus in nature. Statutory presumption under

Section 113A of the Evidence Act is not attracted in the facts of the case.

In view of the aforesaid facts and the period of detention suffered by the petitioners i.e. 104 days, we are inclined to grant bail to them.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnanagar, Nadia subject to condition that the petitioners 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)