

04.07.2022.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2099 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 : Shovan Singha @ Singh Roy.
.... Petitioner.

Mr. Bitasok Banerjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee.
...for the Petitioner.

Mr. Prasun Kr. Dutta, ld. A.P.P.,
Mr. Subrato Roy,
Mr. Subhasis Dutta.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about four months. He submits he has been falsely implicated in the instant case. Incident occurred nine years after marriage.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner had tortured his wife who ultimately committed suicide.

We have considered the materials on record. Allegation of torture are general and omnibus. Incident occurred nine years after marriage and statutory presumption under Section 113A of the Evidence Act is not attracted in the facts of the case.

In the light of the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, Krishnanagar, 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.)