

06.07.2022
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allowed

CRM(DB) No. 2123 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnagar Kotwali Police Station Case No. 359 of 2022 dated 11.04.2022 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Bharat Biswas petitioner

Mr. Prabir Majumder

.....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

Petitioner is in custody for 81 days.

Learned Counsel appearing for the petitioner submits his client is the brother-in-law of the victim housewife. He further submits the victim committed suicide 12 years after marriage and the petitioner has been falsely roped in as a family member of the husband.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. There is no direct evidence with regard to the petitioner administering poison to the housewife. Victim was alive for six days but no statement was recorded. Statements of the neighbours with regard to ingestion of poison are contradictory to one another.

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

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)