

22.07.2022.
19.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2180 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhimpur P. S. Case No.180 of 2022 dated 15.05.2022 under Sections 498A/302/34 of the Indian Penal Code.

In the matter of : Samaresh Pal.

.... Petitioner.

Mr. Sumanta Das.

...for the Petitioner.

Mr. S. S. Imam,

Mr. S. Kundu.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 66 days. He submits incident occurred 15 years after marriage. He has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. Victim housewife consumed poison and committed suicide 15 years after marriage. Statutory presumption under Section 113A of the Evidence Act is not attracted in the facts of the case.

Under such circumstances, 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 he 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.)