

12.07.2022
53
sdas
allowed

CRM(DB) No. 2276 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No. 508 of 2021 dated 18.10.2021 under Sections 498A/304B/306/34 of the Indian Penal Code and Sections 3/4 of the D.P. Act subsequently charge-sheeted under Sections 498A/304B/34 of the Indian Penal Code and Section 4 of the D.P. Act.

And

In Re : Amar Khan @ Kha petitioner

Mr. Habibur Rahaman
Mr. Sumit Naskar

.....for the petitioner

Mr. S. G. Mukherji, learned P.P.
Mr. Partha Pratim Das
Mrs. Manasi Roy

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 263 days. It is also submitted that there is a slow progress in the matter before the trial court. Investigation is complete.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that the victim was tortured and committed suicide within two years of marriage.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as trial has not yet commenced, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Uluberia, Howrah, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)