

18.07.2022
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allowed

CRM(DB) No. 2340 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goghat Police Station Case No. 87 of 2022 dated 08.04.2022 under Sections 498A/313/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Tajmul Gayen @ Tajamul Gayen petitioner

Mr. Niladri Sekhar Ghosh
Ms. Srimoyee Mukherjee
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Datta

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 104 days. It is also submitted that the victim gave birth to a dead child. Investigation is complete.

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

We have considered the materials on record. Allegation of forcible abortion requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner. No medical report of forcible abortion is placed on record.

Under such circumstances and in view of period of detention suffered by the petitioner, 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, Arambagh, 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.)