

02.08.2022.
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as
(Allowed)

C.R.M. (DB) 2565 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habibpur P. S. Case No.225 of 2022 dated 03.07.2022 under Sections 498A/306/34 of the Indian Penal Code.

In the matter of : Motilal Saha & Ors.

.... Petitioners.

Mr. Kalidas Saha.

...for the Petitioners.

Mr. Saswata Gopal Mukherjee, Id. P.P.,

Mr. Aniket Mitra.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioners are the husband and in-laws of the victim housewife respectively. It is contended incident occurred 36 years after marriage. It is further contended ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegations against the petitioners are general and omnibus. Incident occurred 36 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 of the opinion further detention of the petitioners is not necessary and he may be granted bail.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)