

22.08.2022
cm/ct 28
sl no. 27

C.R.M. (DB) 2787 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dakhineswar P.S. Case No. 127 of 2022 dated 17.07.2022 under Sections 498A/406/307/354/34/506 of the Indian Penal Code and 3 & 4 of the Dowry Prohibition Act.

Allowed

In Re : Priyabrata Ghosh.

..... petitioner

Ms. Sarbani Chakraborty
Mr. Sanjib Mitra

..... for the petitioner

Mr. Bidyut Kr. Roy
Ms. Rita Datta

..... for the State

Petitioner is in custody for 17 days. He submits allegations of torture are out and out false. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of attempted sexual assault on the victim as narrated in her statement recorded under Section 164 Cr.P.C., does not find place in the First Information Report. Whether such allegation is an embellishment requires to be assessed in the light of the aforesaid circumstances during trial. Injury report also does not disclose grievous injury.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Additional Chief Judicial Magistrate, Barrackpore, North 24

Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

The application being CRM(DB) No. 2787 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)