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19.09.2022
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C.R.M. (SB) 217 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kaliachak Police Station Case No.358 of 2022 dated 08.04.2022 under Sections 498A/323/354/34 of the Indian Penal Code, 1860 read with Section 3/4 Dowry Prohibition Act and Section 4 of Muslim Women (Protection of Rights on Marriage Act) (G.R. Case No.2058 of 2022);

Intajul Sk.
Versus
The State of West Bengal

Ms Sujata Das.
...for the petitioner.

Mr. Provash Bhattacharya,
Mr. Pratick Bose.
...for the State.

Learned advocate for the petitioner submits that the petitioner is the husband of the complainant and is in custody for the last 38 days. Additionally, it is submitted that the marriage was solemnized in the year 2009 and the nature and gravity of offence so complained of do not call for further detention of the petitioner.

Mr. Bose, learned advocate appearing for the State submits that there are allegations of inflicting torture which are continuous in nature and whole of the matrimonial family has been involved in such process of inflicting torture.

Having regard to the period of detention, I am of the opinion that as the investigation has been concluded further detention of the petitioner is unwarranted. Accordingly, the petitioner, namely, Intajul Sk. shall be released on bail upon furnishing 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, Malda.

If on bail, the petitioner shall attend the learned court in seisin of the matter on each and every date so fixed. The petitioner shall not tamper with the evidence or evade the process of law. Any violation of the aforesaid conditions would entitle the learned trial court to cancel the bail without further reference of this Court.

Accordingly, CRM (SB) 217 of 2022 is allowed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)