

09.09.2022.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3063 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogalberia P. S. Case No.134 of 2022 dated 19.04.2022 under Sections 498A/306/34 of the Indian Penal Code.

In the matter of : Akhil Biswas.

.... Petitioner.

Mr. Amanul Islam,
Mr. Sourav Mukherjee.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioner is in custody for 142 days. It is contended he has been falsely implicated in the instant case. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of minor child. Incident occurred 20 years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall 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, Tehatta, Nadia subject to condition that he 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 petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)