

17.11.2022
tkm/ct 28
sl no. 26

C.R.M. (DB) 4011 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Arambagh P.S case no. 260 of 2022 dated 11.9.2022 under sections 498A/304B/34 of the IPC and section 4 of the DP Act

Allowed In Re : Prosenjit Bag & Anr. and petitioners

Mr. N S Ghosh
Mr. S Mondal

..... for the petitioners

Mr. Prasun Kr. Datta
Mr. S Deb Roy

..... for the State

Petitioners are in custody for 68 days. He submits there is delay in lodging FIR. Incident occurred seven years after marriage.

Learned lawyer for the State opposes the prayer for bail. He refers to the statement of the minor daughter of the deceased housewife.

We have considered the materials on record. Minor daughter alleges the housewife was subjected to torture. The incident occurred seven years after marriage and statutory presumption under sections 113A and 113B of the Evidence Act are not attracted to the facts of the case. There is also delay in lodging FIR.

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

Accordingly, the petitioners 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 ACJN Arambagh on condition that the petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) 4011 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)