

18.11.2022.
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as
(Allowed)

C.R.M. (DB) 4021 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua P.S. Case No.447 of 2022 dated 12.08.2022 under Sections 341/326/307/120B of the Indian Penal Code.

In the matter of : Abdul Malek & Ors.

.... Petitioners.

Mrs. Minoti Gomes,
Mr. Imdadul Hoque.

...for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.

...for the State.

It is submitted on behalf of the petitioners there is a dispute between the petitioner No.1 and his wife over the custody of a minor child. Over this issue, quarrel ensued between them. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. It is contended that the incident occurred in the course of a quarrel over custody of a minor child.

In view of the aforesaid circumstance, period of detention suffered by him i.e. 96 days and as investigation is complete, we are inclined to grant bail to the petitioners.

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 Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)