

23.11.2022
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allowed

CRM(DB) No. 4086 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua Police Station Case No. 292 of 2022 dated 10.06.2022 under Sections 498A/304B of the Indian Penal Code.

And

In Re : Gulia Mandal petitioner

Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. P. K. Datta, learned APP
Mr. Santanu Deb Roy
..... for the State

Learned Counsel appearing for the petitioner submits she is in custody for 163 days. It is also submitted incident occurred five years after marriage. Investigation is complete. She prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegations of torture are general and omnibus. Incident occurred five years after marriage. Investigation is complete. Balancing the nature of accusation with the period of detention suffered by the petitioner i.e. 163 days, we are inclined to grant bail to the petitioner.

Accordingly, we direct that 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,

Chanchal, Malda, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)