

24.11.2022.
39.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4126 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnaganj P. S. Case No.278 of 2022 dated 27.07.2022 under Sections 498A/302/34 of the Indian Penal Code.

In the matter of : Gopal Ghosh & Ors.

.... Petitioners.

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal.

...for the Petitioners.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Mr. Partha Pratim Das,
Ms. Puspita Saha.

...for the State.

Petitioner Nos.1, 3 and 4 are in custody for 100 days. Petitioner no.2 is in custody for more than a month. It is contended incident occurred 10 years after marriage. Victim committed suicide. Charge sheet has been filed under Section 306 of the Indian Penal Code. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. Incident occurred 10 years after marriage. Statutory presumptions under Section 113A of the Evidence Act is not attracted to the facts of the case. Victim died due to ante mortem hanging which is ordinarily suicidal.

Under such circumstances, 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 Chief Judicial Magistrate, Krishnanagar, Nadia subject to condition that 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.)