

29.11.2022.
33.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4188 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.292 of 2022 dated 10.06.2022 under Sections 498A/304B of the Indian Penal Code.

In the matter of : Dulal Mandal.

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.
Mr. Aniket Mitra.

...for the State.

Petitioner is in custody for 170 days. It is submitted he has been falsely implicated in the instant case. Co-accuseds have been granted bail/anticipatory bail. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits victim-housewife was tortured and committed suicide at the matrimonial home.

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 him, 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, Chanchal, Malda subject to condition 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)