

CRM(DB) No. 4223 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 549 of 2022 dated 09.08.2022 under Sections 498A/304B/302/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Yan Ali @ Yean Ali petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey

.....for the petitioner

Mr. Saswata Gopal Mukherji, learned APP
Mr. Partha Pratim Das, learned APP
Mrs. Manasi Roy

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 114 days. It is also submitted that investigation is complete. Petitioner 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.

Balancing the nature of accusation with the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to him.

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, Lalbagh, Murshidabad, 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 his 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.)