

05.12.2022
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allowed

CRM(DB) No. 4264 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barikul Police Station Case No. 14 of 2022 dated 08.04.2022 under Sections 498A/302/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act and charge-sheet submitted under Sections 498A/306/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Banamali Pal petitioner

Mr. Dipankar Dandapath
.....for the petitioner

Mr. Tanmoy Kumar Ghosh
Ms. Sonali Bhar
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for six months. It is also submitted that charge-sheet has been filed under Section 306 of the Indian Penal Code. Victim-housewife committed suicide twelve years after marriage. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits victim-housewife was subjected to torture by the petitioner and other in-laws. Ultimately, petitioner committed suicide.

We have considered the materials on record. Allegations of torture upon victim housewife are general and omnibus. Incident occurred twelve years after marriage. Statutory presumption under Section 113A of the Evidence Act is not attracted. Under

such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner viz. Banamali Pal 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 Chief Judicial Magistrate, Bankura, 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.)