

08.12.2022.
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as
(Allowed)

C.R.M. (DB) 4338 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P. S. Case No.175 of 2022 dated 26.03.2022 under Sections 498A/325/313/406/34 of the Indian Penal Code.

In the matter of : Nepal Biswas.

.... Petitioner.

Ms. Sananda Bhattacharyya.

...for the Petitioner.

Mr. Debabrata Chatterjee,
Ms. Debjani Dasgupta.

...for the State.

Petitioner is in custody for 94 days. Miscarriage of the victim lady is due to medical reasons. He prays 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. Allegation of forcible miscarriage requires to be assessed in the light of the submission that the victim was suffering from a medical condition which made her to prone to abortion.

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

Accordingly, the petitioner viz Nepal Biswas 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, Ranaghat, Nadia subject to condition that 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.

(Siddhartha Roy Chowdhury,J.)

(Joymalya Bagchi, J.)