

12.12.2022
Sl. No.43
akd
[ALLOWED]

C. R. M. (DB) 4355 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.12.2022 in connection with Dhantala Police Station Case No. 521 of 2022 dated 21.07.2022 under Sections 498A/325/313/406/34 of the Indian Penal Code.

And

In Re: ***Giyasuddin Mondal***

... .. Petitioner

Ms. Sananda Bhattacharyya

... .. for the petitioner

Mr. D. Chatterjee .. Id. Addl. Public Prosecutor

Ms. Debjani Das Gupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 40 days. It is further submitted there is delay in lodging FIR. It is also submitted allegation of miscarriage is out and out false.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. There is delay in lodging FIR. There is nothing in the medical reports which shows abortion was due to assault. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Giyasuddin Mondal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)