

19.12.2022.
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as
(Allowed)

C.R.M. (DB) 4416 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chakdah P. S. Case No.509 of 2022 dated 02.08.2022 under Sections 498(A)/34 with added Sections 376/511 of the Indian Penal Code.

In the matter of : Prasanta Mondal.

.... Petitioner.

Ms. Minoti Gomes.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. Sr. G.A.,
Mr. Arindam Sen.

...for the State.

Mr. Shibaji Kr. Das,
Ms. Rupsa Sreemani.

...for the de-facto complainant.

Petitioner is in custody for 34 days. It is submitted he is physically challenged.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Petitioner has annexed documents in support of his plea that he is physically challenged. That apart, medical officer who examined the petitioner has referred him to Psychiatric department to assess his mental health. Possibility of false implication due to matrimonial discord cannot be ruled out.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Prasanta Mondal 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, Kalyani, 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)