

16.12.2022
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allowed

CRM(DB) No. 4418 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip Police Station Case No. 57 of 2022 dated 14.02.2022 under Sections 498A/307/323/506/34 of the Indian Penal Code.

And
In Re : Malay Debnath petitioner

Mr. Santanu Talukdar
Ms. Roma Roy
.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Datta
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 45 days. It is also submitted that further detention for progress of investigation is not necessary.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner tried to strangle his wife.

We have considered the materials on record. After rejection of anticipatory bail petitioner surrendered before the jurisdictional court. Investigation is complete. Balancing the nature of accusation with the period of detention suffered by the petitioner, 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 Judicial Magistrate, Nabadwip, 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.)