

20.12.2022
tkm/ct 28
sl no. 42

C.R.M. (DB) 4467 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhagwangola P.S case no. 602 of 2022 dated 6.9.2022 under sections 498A/323/307 IPC and under sections 3/4 of the DP Act, charge sheet submitted under sections 498A/306 IPC and under sections 3/4 of the DP Act

And

Allowed

In Re : Rajab Sk @ Rajab Ali

..... petitioner

Mr. S S Roy
Mr. D P Samanta
Mr. S Ghosh

..... for the petitioner

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee

..... for the State

Leave is granted to correct the cause title.

Petitioner is in custody for 102 days. It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. He prays for bail.

Learned lawyer for the State opposes the prayer for bail and submits the victim housewife had been subjected to torture. She committed suicide.

We have considered materials on record. Incident occurred 13 years after marriage. Statutory presumption under section 113A of the Evidence Act is not attracted to the case.

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

Accordingly, the petitioner 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

ACJM, Lalbagh, Murshidabad, on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 4467 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)