

21.12.2022
20
sdas
allowed

CRM(DB) No. 4484 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 975 of 2022 dated 06.10.2022 under Sections 498A/306 of the Indian Penal Code.

And
In Re : Samit Mondal petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
.....for the petitioner

Ms. Faria Hossain
Mr. Anand Keshari
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 65 days. It is also submitted that incident occurred ten years after marriage. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Incident occurred ten years after marriage. Statutory presumptions under Section 113A of the Evidence Act is not attracted. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, 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.)