

23.12.2022
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allowed

CRM(DB) No. 4586 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ashoke Nagar Police Station Case No. 812 of 2022 dated 20.08.2022 under Sections 498A/406/304B/34 of the Indian Penal Code.

And

In Re : Hemanta Ballav petitioner

Mr. Tapan Dutta Gupta

Mr. Parvej Anam

.....for the petitioner

Mr. Pradipta Kumar Ganguly

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 126 days. Investigation is complete. He prays for bail.

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

We have considered the materials on record. Allegations of torture are general and omnibus in nature. 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 Additional Chief Judicial Magistrate, Barasat, North 24-Parganas, 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.)