

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

29.09.2022.
02.
as
Ct.No.28.
(Allowed)

C.R.M. (DB) 363 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali P. S. Case No.1071 of 2021 dated 05.11.2021 under Sections 498(A)/302/34 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act and charge sheet submitted under Sections 498A/306/34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act. .

In the matter of : Asidul Miah.

.... Petitioner.

Mr. Sabir Ahmed,
Mr. Hillol Saha Podder.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Ujjwal Luksom,
Mr. Biswarup Roy.

...for the State.

Petitioner is in custody for 323 days. It is contended victim committed suicide after 17 years of marriage. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Incident occurred 17 years after marriage. Statutory presumptions under Sections 113A and 113B of the Evidence Act are not attracted to the facts of the case.

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

Accordingly, 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 Chief Judicial Magistrate, Coochbehar 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)