

09.01.2023
Sl. No.28
CHC
[ALLOWED]

C. R. M. (DB) 38 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 3rd January, 2023 in connection with Banshihari Police Station Case No.261 of 2022 dated 15.10.2022 under Sections 498A/306/34 of the Indian Penal Code.

And

In Re: *Ranjan Sarkar*

... .. Petitioner

Mr. Asim Kr. Chakraborti,
Mr. Sajal Kanti Bhattacharya
... .. for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Partha Pratim Das,
Mrs. Manasi Roy
... .. for the State

Petitioner is in custody for 83 days. Investigation is complete. He prays for bail.

Learned advocate for the State opposes the prayer for bail and submits that victim housewife was tortured and she committed suicide at the matrimonial home.

We have considered the materials in record. Incident occurred 8 years after marriage. Statutory presumption under Section 113A Cr.P.C. is not directed to the facts of the case.

Keeping in kind the aforesaid facts and as investigation is complete, we are inclined to grant bail to the petitioner.

Therefore, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial

Magistrate, Gangarampur at Buniadpur, subject to condition that the said petitioner 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 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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)