

17.01.2023.
27.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 170 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola P. S. Case No.439 of 2022 dated 06.07.2022 under Sections 498A/304B/306 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act and charge sheet submitted under Sections 498A/304B/306 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In the matter of : Humayun Kabir @ Humayan Kabir.
.... Petitioner.

Mr. Tapodip Gupta.
...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.
...for the State.

Petitioner is in custody for 194 days. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. Victim-housewife committed suicide within two years of marriage.

We have considered the materials on record. Allegations of torture are general and omnibus. Investigation is complete.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Humayun Kabir @ Humayan Kabir 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, Murshidabad at Berhampore 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)