

02.02.2023
tkm/ct 28
sl no. 53

C.R.M. (DB) 414 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Taldangra P.S case no.42 of 2021 dated 24.5.2021 under sections 498A/304B IPC, charge sheet submitted under sections 498A/304B/34 IPC
and

Allowed

In Re : Baren Dhibar

..... petitioner

Mr. Samiran Mondal

Mr. A Roy

..... for the petitioner

Mr. T K Ghosh

Mr. Arindam Sen

..... for the State

Petitioner is in custody for one year and eight months. It is submitted he has been falsely implicated in the instant case. There is no direct evidence that the victim housewife was murdered. He prays for bail.

Learned lawyer for the State opposes the bail prayer and submits trial is in progress. Three witnesses have been examined.

We have considered the materials on record. There is no material to show petitioner had murdered his wife. Incident occurred six years after marriage. 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 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 ACJM, Khatra, Bankura on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 414 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)