

13.02.2023
tkm/ct 28
sl no. 56

C.R.M. (DB) 596 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Arambagh P.S case no.193 of 2022 dated 5.7.2022 under sections 325/304 IPC
and

Allowed

In Re : Mangal Biswas

..... petitioner

Mr. S Adak

..... for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

..... for the State

Petitioner is in custody for 172 days. It is submitted there is no direct evidence that he murdered his wife. Statement of the minor daughter was manufactured at the behest of his in-laws. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Victim housewife died due to intracranial hemorrhage. We have examined the statement of the daughter of the victim lady. She admits she was not present at the place of occurrence and over a video call she had seen her mother lying with injury. It is contended that she was compelled to make statement upon pressure from the in-laws. Veracity of her deposition requires to be assessed during trial.

Keeping in mind the aforesaid circumstances and 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, Arambagh, Hooghly 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) 596 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)