

15.02.2023
Sl. No.72
akd
[ALLOWED]

C. R. M. (DB) 621 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.02.2023 in connection with Barikul Police Station Case No.14 of 2022 dated 08.04.2022 under Sections 498A/302/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.144 of 2022)

And

In Re: ***Arjun Pal***

... .. Petitioner

Mr. Dipankar Dandapath

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than ten months. It is further submitted housewife committed suicide twelve years after marriage.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Incident occurred twelve years after marriage. Statutory presumption under Section 113A of the Evidence Act is not attracted in the facts of the present case. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Arjun Pal***, 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, Khatra, Bankura 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.)