

24.02.2023  
tkm/ct 28  
sl no. 37

**C.R.M. (DB) 766 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Khanakul P.S case no. 557 of 2022 dated 14.12.2022 under sections 498A/306 of the IPC and section 4 of the DP Act

**Allowed** In Re : Ajay Dey @ Sadhu and ..... petitioner

Mr. N S Ghosh  
Mr. Sourov Mondal  
Ms. S Chatterjee

..... for the petitioner

Mr. S G Mukherje, ld PP  
Mr. Aniket Mitra

..... for the State

Petitioner is in custody for 72 days. Investigation is complete. He prays for bail.

Learned lawyer for the State opposes the bail payer. He submits petitioner and other in-laws subjected the housewife to torture. She committed suicide.

We have considered the materials on record. Incident occurred 16 years after marriage. Statutory presumption under section 113A of the Evidence Act is not attracted in the facts of the case.

Keeping in mind the aforesaid circumstances, period of detention suffered by the petitioner and as investigation is complete, 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 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) 766 of 2023 is disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**