

13.03.2023
Sl. No.137
akd
[ALLOWED]

C. R. M. (DB) 868 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.03.2023 in connection with Khanakul Police Station Case No.503 of 2022 dated 20.11.2022 under Sections 498A/302/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and subsequently charge sheet submitted under Sections 498A/306 of the Indian Penal Code. (G.R. Case No.1385 of 2022)

And

In Re: ***Hare Krishna Jana @ Harekrishna Jana***
... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

... .. 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 about 113 days. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail.

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. Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Hare Krishna Jana @ Harekrishna Jana***, 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, Arambagh, Hooghly,

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.)