

21.03.2023
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allowed

CRM(DB) No. 1000 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taldangra Police Station Case No. 93 of 2022 dated 11.11.2022 under Sections 498A/324/307 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And
In Re : Aslam Mandal petitioner

Mr. Soumik Ganguly
....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu
..... for the State

Learned Counsel for the petitioner submits he is in custody for 126 days. Investigation is complete. It is also submitted incident occurred in the course of a sudden altercation between the couple. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record including the injury report. Nature of assault requires to be assessed in the light of the aforesaid submission of the petitioner. Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall 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 Additional Chief Judicial Magistrate,

Khatra, Bankura, subject to the condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)