

24.03.2023.
32.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1078 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P. S. Case No.881 of 2022 dated 15.11.2022 under Sections 498A/406/313/341/34 of the Indian Penal Code.

In the matter of : Ajit Ali Sekh.

.... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

Mr. Pravas Bhattacharyya,
Ms. Kumkum Mitra.

...for the State.

Petitioner is in custody for 77 days. He submits allegations of torture are false. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. It is alleged victim-housewife was made to consume pesticide which resulted in miscarriage. Medical documents in the case diary do not indicate a case of ingestion of pesticide though there was incomplete abortion on 1.4.2022. There is also delay of five months in lodging first information report from the date of abortion.

Under such circumstances and in view of period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner Ajit Ali Sekh 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 Chief Judicial Magistrate, Nadia at Krishnanagar subject to condition that he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)