

27.03.2023
tkm/ct 28
sl no. 62

C.R.M. (DB) 1115 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Santipur PS case no. 1094 of 2022 dated 18.10.2022 under sections 498A/306/34 of the IPC
And

Allowed

In Re : Bibek Sarkar petitioner

Mr. M Gomes

..... for the petitioner

Mr. Debabrata Chatterjee

..... for the State

Heard learned lawyers for the parties.

We have considered the materials on record. Allegations of torture are general and omnibus. Incident occurred 12 years after marriage. Victim committed suicide. Statutory presumptions under sections 113A and 113B of the Evidence Act are not attracted in the facts of the case.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner i.e. 159 days 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, Ranaghat, Nadia at 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) 1115 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)