

27.03.2023
tkm/ct 28
sl no. 67

C.R.M. (DB) 1121 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Rabindra Nagar PS case no. 278 of 2022 under sections 498A/323/307/406/506/34/376 of the IPC and section 4 of the DP Act

And

Allowed

In Re : Abhi Patra

..... petitioner

Mr. S Basu

..... for the petitioner

Mr. S G Muherjee, Id PP

Mr. Aniket Mitra

..... for the State

Mrs. Swarnali Saha

..... for the de facto complainant

Petitioner is in custody for 149 days. He submits there is a matrimonial dispute between the parties. He also submits he and his family members have been falsely implicated. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Petitioner is the husband of the de facto complainant-wife. Allegation of rape is not levelled against him. Allegation of attempt to murder is not supported by medical evidence.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to 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 CJM, South 24 Parganas, Alipore 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) 1121 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)