

30.03.2023
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allowed

CRM(DB) No. 1234 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 813 of 2022 dated 14.10.2022 under Sections 498A/307/34 of the Indian Penal Code.

And

In Re : Rajjak Biswas petitioner

Mr. Sumanta Das
.....for the petitioner

Mr. Saswata Gopal Mukherjee, learned PP
Mrs. Sreeparna Das
.... for the State

Liberty is granted to the learned Counsel for the petitioner to correct the cause title of the petition.

Learned Counsel for the petitioner submits his wife and child suffered accidental burns. He has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Defacto complainant is present in Court and does not oppose the bail prayer.

We have considered the materials on record. There was a domestic quarrel. Wife and child of the petitioner suffered burn injuries but the injuries are superficial in nature. Parties appear to have amicably reconciled the matrimonial dispute and the defacto complainant does not oppose the bail prayer. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Krishnagar at Nadia, subject to conditions 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.)