

05.04.2023
tkm/ct 28
sl no. 56

C.R.M. (DB) 1369 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Labpur PS case no. 195 of 2022 dated 25.12.2022 under sections 498A/306/506 of the IPC

And

Allowed

In Re : Haricharan Dhibar

..... petitioner

Mr. S Sarkar
Mr. R Chachan

..... for the petitioner

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee
Ms. Mausumi Sarkar

..... for the State

Petitioner is in custody for 101 days. It is submitted he is the father-in-law of the victim-housewife. Incident occurred seven years after marriage. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Allegations against the petitioner are general and omnibus. Incident occurred seven years after marriage. Statutory presumption under section 113A of the Evidence Act is not attracted.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 101 days, 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, Bolpur, Birbhum 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) 1369 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)