

13.04.2023.  
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Ct.No.28  
as  
(Allowed)

**C.R.M. (DB) 1468 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P. S. Case No.93 of 2023 dated 06.02.2023 under Sections 498A/306/34 of the Indian Penal Code.

In the matter of : Biplab Biswas & Anr.

.... Petitioners.

Ms. Sananda Bhattacharyya.

...for the Petitioners.

Mr. Tanmoy Kr. Ghosh, Id. SGA,  
Mr. Arindam Sen.

...for the State.

Petitioners are in custody for over two months. Investigation is complete. It is contended they have been falsely implicated. They pray for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Allegation of torture on housewife are general and omnibus. Incident occurred nine years after marriage. Statutory presumption under Section 113A of the Evidence Act is not attracted.

Under such circumstances and as investigation is complete, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners viz., Biplab Biswas and Gyanandra Nath Biswas shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat,

Nadia subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)**