

17.05.2023
SI. No.27
akd
[ALLOWED]

C. R. M. (DB) 1566 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.04.2023 in connection with Pandabeswar Police Station Case No.15 of 2023 dated 22.02.2023 under Sections 498A/302/406/120B of the Indian Penal Code and Sections 3/4 of the POCSO Act. (G.R. Case No.369 of 2023)

And

In Re: ***Prabhu Ram Pal @ Haradhan Pal & Anr.***
... .. Petitioners

Mr. Tirupati Mukherjee
... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy
... .. for the State

Petitioner no.1 is the husband and petitioner no.2 is the brother-in-law of the victim-housewife. They are in custody for about 83 days. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegations of torture are general and omnibus. Incident occurred fifteen years after marriage. There is no chance of abscondence of the petitioners. Under such circumstances and in view of the period of detention suffered by them, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely ***(1) Prabhu Ram Pal @ Haradhan Pal & (2) Sanatan Pal @ Bhutuk Pal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate,

Durgapur, Paschim Bardhaman subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)