

15.05.2023
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allowed

CRM(DB) No. 1913 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalyani Police Station Case No. 148 of 2023 dated 01.04.2023 under Sections 498(A)/302 of the Indian Penal Code.

And

In Re : Snehashis @ Snehasish Ray petitioner

Ms. Rupsa Sreemani

....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Allegations of torture are general and omnibus. Incident occurred eleven years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted. Under such circumstances and in view of protracted period of detention suffered by the petitioner i.e. 43 days, we are inclined to grant bail to him.

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 Additional Chief Judicial Magistrate, Kalyani, 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.)