

16.05.2023
cm/ct 28
sl no. 56

C.R.M. (DB) No. 1961 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Santipur P.S Case No. 1190 of 2022** dated **15.11.2022** under Sections **498A/304B/302/34** of the Indian Penal Code corresponding to Sessions Case No. 07(02) of 2023
And

Allowed

In Re : Malay Bhattacharjee

..... petitioner

Mr. Prabir Majumder
Mr. Avishek Chatterjee

..... for the petitioner

Mr. Saswata Goopal Mukherjee, Ld. P.P.
Mr. Partha Pratim Das
Ms. Manasi Roy

..... for the State

Petitioner is the husband of the victim housewife. He is in custody for 183 days. He submits that co-accused i.e. mother-in-law has been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Victim housewife committed suicide five years after marriage. Petitioner is in custody for more than six months. There is no possibility of the trial commencing let alone concluding in the near future. Petitioner has permanent home and hearth and there is no possibility of his abscondance.

Under the aforesaid facts and circumstances, balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, the petitioner i.e. **Malay Bhattacharjee** be released on bail upon furnishing bonds 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, Ranaghat, Nadia , 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 petitioner 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) No. 1961 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)