

17.05.2023
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allowed

CRM(DB) No. 1983 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Onda Police Station Case No. 196 of 2022 dated 03.12.2022 under Sections 498A/306/34 of the Indian Penal Code and Sections 3/4 of the D.P. Act.

And
In Re : Sanjay Pal petitioner

Mrs. Pampa Dey Dhabal
Mr. Nikhil Kumar Gupta
.....for the petitioner

Mr. S. G. Mukherji, learned PP
Mr. Aniket Mitra
Ms. Debjani Sahu
.... for the State

Liberty is granted to correct the cause title.

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner is the husband of the victim housewife. Allegations of torture are general and omnibus. Incident occurred ten years after marriage. Statutory presumptions under Sections 113A and 113B of the Evidence Act are not attracted. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Sessions Judge, Bankura, 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.)