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CRM(DB) No. 2371 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dubrajpur Police Station Case No. 80 of 2023 dated 01.05.2023 under Sections 498A/313/325/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

In Re : Ashok Bauri And petitioner

Mr. Kunal Ganguly
....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Manoranjan Mahata
.... for the State

Learned Counsel for the petitioner submits that the case arose out of a matrimonial dispute. There is considerable delay in lodging F.I.R. Victim lady has returned to her matrimonial home. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. FIR was registered one year after the alleged incident of miscarriage. It is contended that the victim has returned to her matrimonial home. Under such circumstances, we are of the opinion further detention is not necessary and petitioner may be granted bail.

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 Judicial Magistrate, Dubrajpur, Birbhum, 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.)