

04.07.2023
64
sdas
allowed

CRM(DB) No. 2509 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asonsol (South) Police Station Case No. 54 of 2022 dated 10.02.2022 under Sections 498A/302/304B/201/120B/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Sudhir Nonia petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Avik Ghatak

Mr. Saibal Kumar Dasgupta

....for the petitioner

Ms. Faria Hosain

Mr. Anand Keshari

.... for the State

Petitioner renews his bail prayer. Learned Counsel for the petitioner submits co-accused are on bail. There is little possibility of trial concluding in the near future. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Though allegations are grave we note co-accused have been enlarged on bail and there is little possibility of trial concluding in the near future.

Balancing the nature of accusation with the period of detention suffered by the petitioner i.e. about one year and five months, we are inclined to grant bail to the 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 Chief Judicial Magistrate, Paschim Bardhaman, 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.)