

17.07.2023
Sl. No.59
akd
[ALLOWED]

C. R. M. (DB) 2826 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.07.2023 in connection with Hanskhali Police Station Case No.333 of 2023 dated 15.04.2023 under Sections 498A/306/34 of the Indian Penal Code.

And

In Re: ***Nilkamal Sadhukhan***

... .. Petitioner

Ms. Sananda Bhattacharyya
Ms. Busra Khatoon

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Ms. Faria Hossain
Ms. Baisali Basu
Ms. Mamata Jana

... .. for the State

It is submitted on behalf of the petitioner that he is in custody since 18th April, 2023. It is further submitted he has been falsely implicated in the instant case. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner used to beat the housewife in an inebriated condition. She committed suicide.

We have considered the materials on record. Incident occurred 15 years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted. Balancing the nature of accusation with the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Nilkamal Sadhukhan***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he 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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)