

21.07.2023
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 2895 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.07.2023 in connection with Krishnagar Kotwali Police Station Case No.179 of 2023 dated 27.02.2023 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re: ***Debabrata Biswas & Anr.***

... .. Petitioners

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioners

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

... .. for the State

Petitioner no.1-husband is in custody for about 143 days and petitioner no.2 i.e. father-in-law is in custody for about 57 days.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case. Investigation is complete. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim-housewife committed suicide at the matrimonial home.

We have considered the materials on record. Incident occurred 3½ years after marriage. Allegations of torture are general and omnibus. Investigation is complete. There is no chance of abscondence of the petitioners. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely **(1) *Debabrata Biswas* & (2) *Dulal Chandra Biswas***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of

like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)