

25.07.2023
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allowed

CRM(DB) No. 2938 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 91 of 2023 dated 06.02.2023 under Sections 498A/306 of the Indian Penal Code.

And

In Re : Dinesh Durlov @ Bhadu Durlav petitioner

Mr. Sumanta Das

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Mr. Asraf Mondal

..... for the State

Learned Counsel for the petitioner submits he is in custody for 168 days. It is also submitted there was a sudden quarrel out of emotional outburst. Victim committed suicide. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Incident occurred eight years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted. Investigation is complete. There is no chance of abscondence of the petitioner. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, 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.)