

03.08.2023.
15.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2969 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhimpur P. S. Case No.92 of 2022 dated 17.03.2022 under Sections 498A/304B/302/120B/201/34 of the Indian Penal Code and adding Section 120B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In the matter of : Gobinda Ghosh & Anr.

.... Petitioners.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioners.

Mr. Saswata Gopal Mukherji, ld. P.P.
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioners are in custody for 95 days. It is submitted
There is delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer.
He submits bail prayer of the petitioners were rejected on
merits. Report is also placed on record with regard to status of
the proceeding.

We have considered the materials on record. Petitioners
are the parents-in-law of the victim girl. Their bail prayer have
been rejected on merits earlier. But the report placed before us
show lack of promptitude on behalf of the prosecution to lead
evidence. Number of schedules were fixed but prosecution
witnesses did not turn up. Petitioners are not responsible for

the delay. They have permanent home and hearth and there is no chance of abscondence.

Under such circumstances and in view of protracted period of detention suffered by the petitioners, we are inclined to grant bail to them.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 they 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 the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)