

28.07.2023
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allowed

CRM(DB) No. 2977 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 364 of 2023 dated 14.04.2023 under Sections 498A/306/34 of the Indian Penal Code.

And
In Re : Tapan Ghosh petitioner

Ms. Minoti Gomes
....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
..... for the State

Learned Counsel for the petitioner submits he is in custody for 93 days. Investigation is complete. Incident occurred 18 years after the marriage. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim housewife was tortured at the matrimonial home. As a result she committed suicide by hanging.

We have considered the materials on record. Allegations are general in nature. Incident occurred 18 years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted. Investigation is complete. Under such circumstances and as investigation is complete, we are inclined to grant bail to the petitioner.

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.)