

31.07.2023
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allowed

CRM(DB) No. 2981 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khatra Police Station Case No. 23 of 2023 dated 10.03.2023 under Sections 498A/306 of the Indian Penal Code.

And

In Re : Sukdev Bauri @ Chanda petitioner

Mr. Arkaprabha Roy

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Mr. Asraf Mondal

..... for the State

Learned Counsel for the petitioner submits he is the husband of the victim lady. Due to trifle matrimonial conflicts she committed suicide. Petitioner had not abetted suicide in any manner whatsoever. He prays for bail.

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

We have considered the materials on record. Incident occurred 13 years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted. Allegations of torture are general and omnibus. Under such circumstances and in view of 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, Khatra, Bankura, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)