

14.08.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 3189 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.08.2023 in connection with Nakashipara Police Station Case No.264 of 2023 dated 05.04.2023 under Sections 498A/306/34 of the Indian Penal Code.

And

In Re: **Milon Sk.**

... .. Petitioner

Mr. Sumanta Das

... .. for the petitioner

Mr. Saswata Gopal Mukherji .. Id. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 108 days. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Allegations of torture are general and omnibus. Incident occurred eight years after marriage. Statutory presumption under Sections 113A/113B of the Evidence Act is not attracted. Investigation is complete. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Milon Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 petitioner 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.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)