

18.08.2023.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3260 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amdanga P.S. Case No.24 of 2023 dated 15.01.2023 under Sections 498A/304B/302/34 of the Indian Penal Code and charge sheet submitted under Sections 498A/304B/34 of the Indian Penal Code.

In the matter of : Enamul Hossain @ Toton.

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

1. Petitioner is in custody for 212 days. He submits investigation is complete. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits victim lady committed suicide at the matrimonial home within two and half years of marriage.
3. We have considered the materials on record. Allegations of torture are general and omnibus. Investigation is complete. There is no chance of abscondence.
4. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., Enamul Hossain @ Toton 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 Chief

Judicial Magistrate, Barasat, North 24-Paraanas subject to condition that he 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.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)