

28.08.2023
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allowed

CRM(DB) No. 3358 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra Police Station Case No. 71 of 2023 dated 21.01.2023 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Ilias Mondal petitioner

Mr. Angshuman Chakraborty
....for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 225 days. It is also submitted that he was falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits trial is in progress.

3. We have considered the materials on record. Statements of witnesses show victim lady died due to poisoning. There is no evidence that the petitioner had administered poison to her. Incident occurred nine years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted to the facts of the case. Under such circumstances and as there is no chance of abscondence of the petitioner, we are inclined to grant bail to him.

4. 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 Chief Judicial Magistrate Barasat, North 24 Parganas, 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)