

29.08.2023.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3373 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanapara P.S. Case No.38 of 2023 dated 14.02.2023 under Sections 498A/304B/34 of the Indian Penal Code.

In the matter of : Tony Mondal.

.... Petitioner.

Mr. Ashoke Das,
Ms. Rama Roy.

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat.

...for the State.

1. Petitioner is in custody for over 181 days. Co-accused have been enlarged on bail. Trial has not commenced. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits victim lady was tortured and committed suicide at the matrimonial home.
3. We have considered the materials on record. Co-accused have been enlarged on bail. Petitioner has suffered incarceration for more than six months. Trial has not commenced as yet. Victim committed suicide. Offences, even if proved, would not attract mandatory life imprisonment.
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., Tony Mondal 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, Tehatta, Nadia 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.)