

01.09.2023.
30.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3434 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hirapur P.S. Case No.257 of 2023 dated 23.07.2023 under Sections 498A/323/325/307/406/506/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act. .

In the matter of : Prakash Yadav.

.... Petitioner.

Ms. Minoti Gomes,
Ms. Sonali Das.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. SGA,
Mr. Arindam Sen.

...for the State.

1. Petitioner is in custody for 40 days. Incident occurred in the course of sudden quarrel. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits victim lady was pregnant at the time of assault.
3. We have considered the materials on record including the injury report. Alleged injury has not caused damage to the fetus.
4. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.
3. Accordingly, the petitioner viz., Prakash Yadav 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, Asansol, Paschim Bardhaman 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.)