

19.09.2023
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allowed

CRM(DB) No. 3646 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Simlapal Police Station Case No. 47 of 2023 dated 18.03.2023 under Sections 498A/302/109/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And
In Re : Asish Barik petitioner

Mr. Abhinaba Dan
Ms. Ankita Mukherjee
.....for the petitioner

Mr. Saswata Gopal Mukherji, learned PP
Mr. Partha Pratim Das
Mrs. Manasi Roy
.... for the State

1. Learned Counsel for the petitioner submits he is the husband of the victim housewife. He is in custody for 183 days. Co-accused are on bail. There is no evidence that the petitioner and co-accused had administered poison to the victim housewife. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. There is no evidence that the petitioner and co-accused had administered poison to the victim housewife. Co-accused are on bail. Investigation is complete. There is no chance of abscondence. Accordingly, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Khatra, Bankura, 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.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)