

20.09.2023.
45.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3667 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta P.S. Case No.363 of 2023 dated 07.05.2023 under Sections 498A/304B/306/34 of the Indian Penal Code.

In the matter of : **Prasenjit Mondal.**

.... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

1. Petitioner is in custody for 136 days. It is submitted there is no direct evidence that he administered poison. Investigation is complete. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits victim suffered unnatural death within two years of marriage.
3. We have considered the materials on record. There is no direct evidence that petitioner administered poison to the victim. 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 him.
5. Accordingly, the petitioner viz., **Prasenjit Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/-

each 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)