

06.10.2023
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allowed

CRM(DB) No. 3866 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 506 of 2023 dated 31.05.2023 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Aradhan Biswas alias Haradhan Biswas petitioner

Mr. Kusal Kumar Mukherjee

Mr. Narattam Acharyya

....for the petitioner

Mr. S. G. Mukherjee, learned PP

Mrs. Manasi Roy

Mrs. Eshita Dutta

.... for the State

1. Learned Counsel for the petitioner submits petitioner is the husband of the victim housewife. He is in custody for 258 days. It is also contended that the victim herself consumed insecticide. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits insecticide was forcefully poured into the mouth of the victim.

3. We have considered the materials on record. There is no direct evidence against the petitioner that he had poured insecticide into the mouth of his wife. No injury was found in the post mortem report. Keeping in mind the aforesaid fact and the period of detention suffered by 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, Krishnagar, Nadia, subject to condition 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 automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)