

10.10.2023
Sl. No.68
akd
[ALLOWED]

C. R. M. (DB) 3925 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.10.2023 in connection with Ranaghat Police Station Case No.454 of 2023 dated 14.07.2023 under Sections 498A/306/34 of the Indian Penal Code. (G.R. Case No.2736 of 2023)

And

In Re: ***Biswajit Sarkar & Anr.***

... .. Petitioners

Ms. Minoti Gomes
Ms. Tanuja Banerjee

... .. for the petitioners

Mr. Bidyut Kumar Roy

... .. for the State

1. Petitioners are the husband and brother-in-law of the victim-housewife respectively.
2. It is submitted on behalf of the petitioners that they are in custody for over 70 days. Co-accused has been granted pre-arrest bail. Accordingly, they pray for bail.
3. Learned Advocate for the State opposes the prayer for bail and submits victim-housewife was tortured and she took poison.
4. We have considered the materials on record. Victim-housewife committed suicide within fifteen years of marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted in the facts of the case. Co-accused has been granted pre-arrest bail. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
5. Therefore, the petitioners, namely ***(1) Biswajit Sarkar & (2) Surajit Sarkar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount

each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)