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allowed

CRM(DB) No. 4077 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bally Police Station Case No. 86 of 2023 dated 21.07.2023 under Sections 498A/325/323/326/307/313/406/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In Re : Avijit Dey petitioner

Mr. Ramashis Mukherjee

....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Mr. Santanu Chatterjee
.... for the State

Ms. Minoti Gomes
Mr. Samrat Paul
.... for de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 98 days. Investigation is complete. He prays for bail.

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

3. Learned Counsel for the de facto complainant also opposes the prayer for bail.

4. We have considered the materials on record. Petitioner has strong roots in society. There is no chance of his abscondence. Balancing the nature of accusation with the period of detention suffered by the petitioner we are inclined to grant bail to him.

5. 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, Howrah, 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)