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CRM(DB) No. 4540 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalna Police Station Case No. 434 of 2023 dated 15.04.2023 under Sections 498(A)/302/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

In Re : Bidyut Ghosh

And
..... petitioner

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajarshree Tah
Ms. Aishwarya Datta
....for the petitioner

Mr. Nguive Ahmed, learned APP
Ms. Baisali Basu
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 250 days. It is also submitted he has been falsely implicated in the case. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits victim housewife had been forced to consume poison.

3. We have considered the materials on record. Minor child stated that his mother had been throttled to death. Neighbour stated that it was a case of poisoning. Whether victim had been consumed poison or it was a case of self-ingestion of poison may be assessed during trial. Accordingly, we are inclined to grant bail to the petitioner. Keeping in mind the aforesaid facts 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 Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)