

20.12.2023.
109.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4628 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raniganj P.S. Case No.451 of 2023 dated 03.11.2023 under Sections 498A/376/406/120B/34 of the Indian Penal Code.

In the matter of : **Shyam Sundar Agarwal & Anr.**

.... Petitioners.

Mr. Arindam Jana,
Mr. Pintu Karar,
Mr. S. U. Laskar.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. G. Wilson.

...for the State.

1. It is submitted on behalf of the petitioners that they are the husband and brother-in-law of the victim housewife respectively. They are in custody for about 44 days. They pray for bail.
2. Learned Advocate for State opposes the bail prayer. He submits petitioners had abetted torture upon the housewife.
3. We have considered the materials on record. Allegation of rape is against the brother-in-law viz., Vishal Agarwal and not the petitioners. Allegation that the petitioners had abetted the action requires to be assessed in light of attending circumstances and the propensity to rope in the husband and all in-laws in the offence.
4. Keeping in mind the role played by the petitioners in the crime and the period of detention suffered by them, we are inclined to grant bail to the petitioners.

5. Accordingly, the petitioners 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 Chief Judicial Magistrate, Asansol, Paschim Bardhaman subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)