

20.01.2023

Sl. No.2
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 64 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Ghoksadanga Police Station Case No.255 of 2022 dated 14.07.2022 under Sections 498A/304B of the Indian Penal Code. (G.R. Case No.766 of 2022)

And

In Re: **Malay Pal @ Malay Paul**

... .. Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

... .. for the petitioner

Mr. Nilay Chakraborty
Mr. Ujjwal Luksom
Mr. Arjun Chowdhury

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 189 days. It is further submitted victim-housewife had an extra-marital affair. Over this issue, a quarrel ensued. She committed suicide. Investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegations of torture are general and omnibus. It is to be thrashed out during trial whether victim-housewife committed suicide due to torture or owing to depression arising from extra-marital relationship. Investigation is complete. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Malay Pal @ Malay Paul**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one

of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar subject to condition that the said petitioner 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.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)