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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (DB) 80 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2023 in connection with Siliguri Police Station Case No. 628 of 2020 dated 19.05.2020 under Sections 498A/304/34 of the Indian Penal Code.

In the matter of : Narayan Das

... petitioner

Mr. Hillol Saha Poddar,
Ms. Mousumi Das

...for the petitioner

Mr. Kallol Acharjee,
Mr. Subhasish Misra

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner contends that the petitioner-husband is about 64 years old and already in custody for about two years and eight months. The allegations were primarily under Sections 498A/304 of the Indian Penal Code. It is contended that charge sheet has also been filed in this case.

Learned counsel appearing for the State opposes the prayer for bail and submits that since the allegation was in the nature of fists and blows being exchanged between the parties, the prayer for bail ought to have been rejected.

However, keeping in view the above situation and the fact that the evidence of witnesses has not yet began in the trial and also in view of long period of custody, we are inclined to grant bail to the petitioner.

Accordingly, CRM (DB) 80 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on each and every date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)