

27.02.2023

Sl. No.112

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (DB) 111 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.02.2023 in connection with Samuktala Police Station Case No.198 of 2022 dated 28.07.2022 under Sections 498A/326/307/34 of the Indian Penal Code.

And

In Re: ***Mithun Das***

... .. Petitioner

Mr. Arnab Saha

... .. for the petitioner

Mr. Kallol Acharjee

Mr. Tapan Bhattacharjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 199 days. It is further submitted incident occurred on the spur of the moment. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Whether the injuries are life-threatening may be assessed during trial. Investigation is complete. Balancing the nature of accusation with 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 ***Mithun Das***, 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, Alipurduar, Jalpaiguri 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**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)