

01.03.2023

Sl. No.30
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 129 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.02.2023 in connection with Siliguri Police Station Case No.1146 of 2022 dated 12.12.2022 under Sections 498A/328/313/376 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.5384 of 2022)

And

In Re: ***Ratan Paul @ Ratan Pal***

... .. Petitioner

Mr. Joydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar

... .. for the petitioner

Mr. Ujjwal Luksom
Ms. Namrata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 40 days. It is further submitted petitioner had married the victim lady in 2015. He has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had kicked the victim in the abdomen which caused miscarriage.

We have considered the materials on record. Petitioner and the victim lady had an affair. He married her in 2015. Matrimonial dispute cropped up. Subsequently, a criminal case was registered. We have also examined the medical papers. Findings in the medical reports show presence of cyst in the uterus. In the backdrop of the aforesaid circumstances, whether the miscarriage was due to medical condition or assault by the petitioner requires to be assessed during trial. In view of

the aforesaid fact and 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 ***Ratan Paul @ Ratan Pal***, 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, Siliguri, Darjeeling 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.)