

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

06.03.2023.
20/tkm

C.R.M. (DB) 135 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Siliguri P.S case no. 1138 of 2022 dated 9.12.2022 under sections 498A/326/307 IPC read with sections 3/4 of the DP Act

and

Allowed

In Re : Ankit Agarwal

..... petitioner

Mr. Amalesh Ray
Mr. D Dhar

..... for the petitioner

Mr. A S Chakraborty
Mr. Arjun Chowdhury

..... for the State

Petitioner is in custody for 48 days. It is submitted that the victim accidentally fell from terrace. He has been falsely implicated. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits petitioner pushed his wife from the terrace. She suffered grievous injuries.

We have considered the materials on record. Rival versions with regard to the manner in which the victim fell from the terrace may be assessed during trial. Medical papers show that the injury is grievous. But the petitioner had brought his wife to the hospital. She has presently recovered. Further detention for progress of investigation is not necessary. There is no possibility of the petitioner absconding or evading the process of law.

Hence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the ACJM Siliguri on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 135 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)