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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) No. 687 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhupguri Police Station Case No. 530 of 2023 dated 27.10.2023 under Sections 448/323/325/307/34 of the Indian Penal Code read with Section 75 of Juvenile Justice Act.

And

In Re : Motaleb Hossain @ Motaleb Ali petitioner

Mr. Jaydeep Kanta Bhowmik

.....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Biswarup Roy

.....for the State

1. Learned Counsel for the petitioner submits his daughter had been assaulted at her matrimonial home. Criminal case was lodged by the petitioner against her husband and in-laws. In retaliation he has been falsely implicated. He is in custody for 41 days. He prays for bail.

2. Learned Counsel appearing for the State opposes the prayer for bail and submits injuries are grievous.

3. We have considered the materials on record. Daughter of the petitioner was subjected to cruelty at her matrimonial home. He lodged criminal case against her husband and in-laws. Over the incident there was a sudden quarrel. Petitioner

is in custody for 41 days. It is possible that he had acted without pre-meditation and in a fit of passion. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly we direct that the petitioner shall 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 learned Chief Judicial Magistrate, Jalpaiguri, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)