

07.02.2024
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allowed

CRM(DB) No. 381 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Duttapukur Police Station Case No. 970 of 2022 dated 13.10.2022 under Sections 498A/302/304B/34 of the Indian Penal Code and charge-sheet submitted under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Babua Pramanik alias Jayanta petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

....for the petitioner

Ms. Faria Hossain

Mr. Asraf Ali

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and four months. It is also submitted there is delay in trial. Co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is the husband of the victim lady who died within six months of marriage.

3. We have considered the materials on record. In-laws of the victim lady have been enlarged on bail. There is little possibility of trial concluding in the near future. There is no chance of abscondence. Petitioner is in custody for more than a year. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Barasat, North 24 Parganas subject to conditions that 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)