

29.02.2024
tkm/ct 28
sl no. 67

C.R.M. (DB) 568 of 2024

In Re : An application for bail under section 439 Cr.P.C in connection with Kotwali PS case no. 1293 of 2023 dated 30.12.2023 under section 498A/376/511/506/406/34 IPC

And
In Re : Amiyo Biswas & Anr. petitioners

Mr. Amanul Islam
Mr. Sourav Mukherjee
..... for the petitioners

Mr. Arijit Ganguly
Ms. Yantika Roy
..... for the State

Mr. Kalyan Kr. Bhattacharjee
Ms. Sahina Khatun
..... for the de facto complainant

1. Petitioners are in custody for 57 days. There is delay in lodging FIR. They pray for bail.

2. Learned lawyer for the State and the de facto complainant oppose the bail prayer.

3. We have considered the materials on record. Statement of the victim implicates petitioner no. 2 in the offence of attempting to rape her. Hence, we are not inclined to grant bail to him.

4. Allegations against petitioner no. 1-husband are general and omnibus. Keeping in mind the extent of complicity of petitioner no. 1 in the crime, we are inclined to grant bail to him.

5. Accordingly, the petitioner no. 1 viz. Amiyo Biswas 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 CJM Nadia at Krishnagar on condition that the petitioner no. 1 shall appear before the trial court on every

date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. 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.

7. The application being CRM (DB) 568 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)