

05.03.2024
tkm/ct 28
sl no. 62

C.R.M. (DB) 709 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Taherpur P.S case no. 558 of 2023 dated 5.11.2023 under sections 498A/313/34 IPC
and

Allowed

In Re : Bhuben Bag

... petitioner

Mr. S Bhattacharyya

..... for the petitioner

Mr. Binay Panda

Ms. Rita Dutta

..... for the State

1. Petitioner is in custody or 121 days. He submits allegation of abortion due to physical assault is false. He prays for bail.

2. Learned lawyer for the State opposes the bail prayer.

3. We have considered the materials on record. Victim stated that on 3.11.2023 petitioner had assaulted her in the belly. As a result, fetus was aborted. Medical papers show victim stated petitioner had assaulted her 5/6 days ago.

4. In view of the aforesaid inconsistency with regard to date and time of assault we are of the opinion petitioner may be enlarged on bail.

5. 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 learned ACJM Ranaghat, Nadia 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.

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) 709 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)