

12.04.2024.
63.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1093 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North P.S. Case No.105 of 2024 dated 24.02.2024 under Sections 498A/406/323/325/313/506/34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

In the matter of : **Bishal Prasad @ Sunny.**

.... Petitioner.

Mr. Apurba Kr. Datta.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Kaustav Banerjee.

...for the State.

1. Petitioner contends allegations of torture or forcible miscarriage are out and out false. De-facto complainant had lodged two cases for self-same incident. He is in custody for 45 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Allegations of torture are general and omnibus. Allegation of forcible miscarriage is not supported by medical evidence.
4. Under such circumstances, we are of the opinion further detention of the petitioner or progress of investigation is not necessary and petitioner may be enlarged on bail.
5. Accordingly, the petitioner viz., **Bishal Prasad @ Sunny** 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, Asansol, Paschim Bardhaman subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)