

14.11.2024
Sl. No.92
akd
[ALLOWED]

C. R. M. (DB) 3755 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 07.11.2024 in connection with Taldangra Police Station Case No.12 of 2022 dated 26.02.2022 under Sections 498A/304B of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act and subsequently charge sheet submitted under Sections 498A/306 of the Indian Penal Code. (G.R. Case No.80 of 2022)

And

In Re: ***Kiran Majhi @ Maji***

... .. Petitioner

Mr. Arkaprabho Roy

... .. for the petitioner

Mr. Rana Mukherjee .. Ld. Addl. Public Prosecutor
Mr. Nirupam Dhali

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and eight months. It is further submitted there is delay in trial. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the prayer for bail and submits trial is at its fag-end. Official witnesses are to be examined. Victim died unnatural death within two months of marriage.

3. We have considered the materials on record. Petitioner is in custody for a considerable period. All vulnerable witnesses have been examined. Offences, even if proved, would not attract mandatory life imprisonment. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Kiran Majhi @ Maji***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Khatra, Bankura subject to condition that the said petitioner

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.

5. 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.

6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)