

03.01.2024
Sl. No.47
akd
[ALLOWED]

C. R. M. (DB) 4820 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.12.2023 in connection with Sankrail Police Station Case No.685 of 2023 dated 08.09.2023 under Sections 498A/304B of the Indian Penal Code and subsequently charge sheet submitted under Sections 498A/306 of the Indian Penal Code. (G.R. Case No.4420 of 2023)

And

In Re: ***Debchand Gupta @ Deb Chand Gupta***
... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Akash Sarkar
... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Navanil De
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 117 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Allegation of torture are general and omnibus. Petitioner is in custody for about 117 days. There is no possibility of trial concluding in the near future. Petitioner has permanent home and hearth and there is no chance of his abscondence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Debchand Gupta @ Deb Chand Gupta***, 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 Chief Judicial Magistrate, Howrah 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.)