

43.
18-03-2025
(ct. no.29)
(allowed)
debajyoti

CRM (DB) 327 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Kulti Police Station Case No.498 of 2022 dated 09-08-2022 under Sections 498A/302 of the Indian Penal Code.

- A n d -

**In the matter of : Ashok Kumbhakar @ Ashok Fouji
Kumbhakar
.... Petitioner.**

Mr. Jaydeep Biswas,
Mr. Asraf Mandal

... For the Petitioner.

Mrs. Amita Gaur,
Mr. Sobhan Gani

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State is taken on record.
2. We find that the State intends to examine 14 more witnesses, apart from the one witness who has already been examined. The petitioner is in custody for over 2 years 7 months. He says that he is the unfortunate husband of the victim lady. After 19 years of marriage, there was a dispute between the couple and the incident occurred in the heat of the moment. There is no possibility of an early conclusion of the trial. He prays for bail on the ground of delay in trial.
3. Learned State advocate, while opposing the prayer for bail, draws our attention to the statements of witnesses

recorded under Section 164 of the Code of Criminal Procedure.

4. It cannot be said that there is no incriminating material against the petitioner. However, given that the petitioner is in custody for a long period of time and there is very little possibility of an early conclusion of the trial, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we grant bail to the petitioner.

5. Accordingly, we direct that the petitioner, namely, **Ashok Kumbhakar @ Ashok Fouji Kumbhakar**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Asansol. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall meet the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)