

30.08.19
Sl. No.8
Ct. No.1
akd
[ALLOWED]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 826 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.08.2019 in connection with Rajganj Police Station Case No. 291 of 2018 dated 23.10.2018 under Sections 498A/302/34 of the Indian Penal Code and charge-sheet No.05 of 2019 dated 21.01.2019 submitted under Sections 498A/304B of the Indian Penal Code. (G.R. Case No.4205 of 2018)

And

In Re: **Abdul Kader**

... .. Petitioner

Mr. Sourav Ganguly .. Advocate

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Ld. Addl. Public Prosecutor

Mr. Aniruddha Biswas .. Advocate

... .. for the State

Petitioner renews his prayer for bail.

It is submitted on behalf of the petitioner that he is in custody for about 309 days and that there is hardly any progress in the matter since the last rejection of bail by this court.

Learned advocate for the State opposes the prayer for bail and submits that there is sufficient material showing that the petitioner tortured the victim-housewife soon before her unnatural death.

Having considered the materials on record and in view of the period of detention suffered by the petitioner and as there is hardly any progress in the matter since the last rejection of bail by this court, we are of the opinion that further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Abdul Kader***, 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, Jalpaiguri 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 and on further condition that he shall not leave the jurisdiction of Rajganj Police Station until further orders except for the purpose of investigation and/or for attending court proceedings.

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.

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

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)