

14.12.2020
Sl. No.51
akd
[ALLOWED]

C. R. M. 10293 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.12.2020 in connection with Nakashipara Police Station Case No. 377 of 2020 dated 03.08.2020 under Sections 498A/420/302/34 of the Indian Penal Code and subsequently charge-sheet submitted under Section 498A/306/420/34 of the Indian Penal Code.

And

In Re: **Basir Sk.**

... .. Petitioner

Mr. Prabir Majumder .. Advocate

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Mr. Parthapratim Das .. Advocate

Mrs. Manasi Roy .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 113 days and the incident occurred 26 years after marriage. It is further submitted that investigation is complete. It is also submitted that there is a delay of seven months in lodging the FIR.

Learned advocate appearing for the State opposes the prayer for bail.

Genuineness of the allegation of torture on the deceased housewife may be assessed in the light of the aforesaid submission made on behalf of the petitioner relating to delay in lodging the FIR. Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Basir Sk.**, 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, Nadia 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.

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**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)