

14.12.2020
Sl. No.58
akd
[ALLOWED]

C. R. M. 10306 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.12.2020 in connection with Hanskhali Police Station Case No. 67 of 2017 dated 20.02.2017 under Sections 498A/304B/302/34 of the Indian Penal Code.

And

In Re: ***Kabir Sardar***

... .. Petitioner

Mr. Prabir Majumder .. Advocate

... .. for the petitioner

Ms. Faria Hossain .. Advocate

Ms. Baisali Basu .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years and ten months. It is further submitted that there are contradictory dying declarations of the victim.

Learned advocate appearing for the State opposes the prayer for bail and submits that trial is in progress.

Genuineness of the incriminating dying declaration may be assessed at the appropriate stage of the proceeding in accordance with law. Subsequent dying declaration or materials on record do not explain away the earlier exonerative statement of the victim. In view of the aforesaid factual matrix and the period of detention already suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Kabir Sardar***, 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, Ranaghat, 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.)