

08.03.2021
Item No.28
Ct.No.28
dc.
Allowed

C.R.M. 712 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Babor Ali @ Babor Ali Sk.**

... Petitioner.

Ms. Sananda Bhattacharyya

... For the Petitioner.

Ms. Zareen N. Khan,
Ms. Sreeparna Das

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Santipur P.S. Case No. 545 of 2020 dated 21.11.2020 under Sections 306/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the *de facto* complainant married one Sabir Ali Sekh on 18th February, 2020. About five months thereafter, the *de facto* complainant left her matrimonial house and started residing at her paternal place. On 11th November, 2020, the *de facto* complainant as well as her husband committed suicide. The petitioner, who is the brother of the husband, has been falsely implicated. Upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody for about 99 days, is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and submits that due to the instigation of the petitioner herein, the incident occurred and there are materials which disclose the petitioner's involvement in the alleged offence.

We have perused the materials in the case diary and *prima facie*, we do not find any direct nexus of the petitioner in the alleged incident. Considering the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that the petitioner, namely, **Babor Ali @ Babor Ali Sk.** shall 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 and on a further condition that the petitioner shall be present before the trial court on the dates specified for hearing.

The application for bail, being CRM 712 of 2021, is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)