

22.04.2021

Item No.4

Ct.No.28

dc.

Allowed

C.R.M. 1411 of 2021

(Via Video Conference)

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

And

In Re : **Selim Sk**

... Petitioner.

Mr. Prabir Majumder,
Mr. Snehnansu Majumder

... For the Petitioner.

Mr. Aniket Mitra

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Chapra P.S. Case No. 332 of 2020 dated 15.09.2020 under Sections 498A/326/34 of the Indian Penal Code.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner is aged about 58 years and is the father-in-law of the victim lady. The allegations levelled against him are unfounded. The alleged incident occurred about six years after the marriage of his son with the victim lady. Upon completion of investigation, charge-sheet has already been submitted and as such, further detention of the petitioner, who is in custody for more than 215 days, is not necessary.

He further submits that from the complaint, it would appear that the dispute occurred over non-payment of a loan amount and in such dispute, the petitioner had no role to play and he had been falsely implicated.

Mr. Majumder further submits that the husband and the brother-in-law of the victim lady, who were absconding, had already surrendered before the trial court. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition, particularly considering his age and the period of detention.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

We have heard the learned advocates and considered the materials in the case diary.

The husband and the brother-in-law of the victim lady had already surrendered. It appears from the charge-sheet that there are nine witnesses and till date the case has not been committed and as such there is no possibility towards early conclusion of trial and the petitioner is already in custody for more than 215 days. Considering the nature of allegations, the period of detention and the age of the petitioner, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case. However, to instil confidence in the mind of the complainant and the witnesses, petitioner's movement needs to be restricted.

Accordingly, we direct that the petitioner, namely **Selim 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 Chief Judicial Magistrate, Krishnagar, Nadia and on a further condition that the petitioner shall meet with the Officer-in-Charge, Krishnagar Kotwali Police Station once a week on and from 1st May, 2021 until further orders. The petitioner shall also not leave the jurisdiction of the said police station.

In the event, the petitioner fails to comply with the aforesaid conditions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail, being CRM 1411 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.)