

115 10.06.2021
S.K/ Ct. No.28
S.M (Allowed)

C.R.M. 2574 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhutni P.S. Case No. 152 of 2020 dated 01.12.2020 under Sections 498A/304B/34 of the Indian Penal Code.

And

In the matter of: Fatik Mondal

....petitioner.

Mr. Mritunjoy Chatterjee

...for the petitioner.

Ms. Faria Hossain,
Ms. Sonali Das

...for the State.

Application under Section 439 CrPC has been filed by the husband of the deceased on the ground that the charge-sheet in the matter has already been filed and he is in custody for about six months.

It is submitted by the counsel for the petitioner that the other co-accused have been obtained anticipatory bail from this Court.

Considering the fact that the petitioner has one year old son and also the fact that the charge-sheet has been filed and there is no indication of trial commencing so soon, the petitioner shall be entitled to grant relief under Section 439 CrPC.

Accordingly, the petitioner shall be released on bail upon furnishing 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, Malda, subject to condition that the 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 the petitioner shall not enter the jurisdiction of the police station except for the purpose of investigation and attending Court proceedings and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders. The petitioner shall surrender his passport to the I.O. and if he does not possess a passport shall submit an affidavit to that effect before the I.O.

In the event of arrest the petitioner fails to appear before the trial Court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)