

44. 27.07.2021
Ct.32
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C.R.M. 3846 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **01.06.2021** in connection with **Kultali Police Station Case No. 449 of 2020** dated **01.11.2020** under Sections **498A/326/307** of the Indian Penal Code.

And

In the matter of: - **Rafik Sk @ Sekh**

....petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

...for the petitioner.

Mr. Binoy Kumar Panda,
Mr. Narayan Prasad Agarwal,
Mr. Pratick Bose

...for the State.

The charge against the petitioner is under Sections 498A/326/307 of the Indian Penal Code. The case of the Prosecution is that the petitioner sprinkled hot oil mixed with water on his wife causing 20% burns.

Learned Counsel for the petitioner submits that the petitioner has been in custody since January 9, 2021. Charge-sheet has been submitted upon completion of investigation. Further custodial detention of the petitioner is not necessary.

Learned Counsel for the State produces the Case Diary and draws our attention to relevant material therein. We have seen the medical report. We have also seen the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Having considered the material on record and the facts and circumstances of the case as also the nature and gravity of

the offence that the petitioner has been charged with, we are of the view that further custodial detention of the petitioner shall serve no useful purpose.

Accordingly, we allow the petitioner's prayer for bail. We direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once in every ten days until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail being C.R.M. 3846 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)