

57. 26.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4459 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **01/07/2021** in connection with **Manikchak Police Station Case No. 279/2020** dated **20/10/2020** under Sections **498A/302/34** of the Indian Penal Code.

And

In the matter of: - **Md. Nurul**

...petitioner.

Mr. Sagar Saha

...for the petitioner.

Ms. Faria Hossain,
Ms. Baisali Basu

...for the State.

The petitioner is the husband of the victim lady. The petitioner says that being upset by the petitioner's relationship with another lady, his wife committed suicide.

The charge is under Sections 498A/302 of the Indian Penal Code. The post mortem report shows the cause of death as 'pending'. We have also seen the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. The statements do not specifically implicate the petitioner and are of general nature. The petitioner is in custody for 311 days. Charge-sheet has been submitted.

In view of the above, we are of the opinion that further custodial detention of the petitioner is not necessary.

Accordingly, 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 Chief Judicial Magistrate, Malda, 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 every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner shall not 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. 4459 of 2021 is, accordingly, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)