

21.09.2021
Item no. 113
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 4709 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.07.2021 in connection with Baishnabnagar Police Station Case No. 664 of 2020 dated 26.11.2020 under Sections 498(A)/302 of the Indian Penal Code.

And

In the matter of : Ajit Singha.

.....Petitioner.

Mr. Amitabha Karmakar, Advocate,
Mr. Arup Kr. Bhounick, Advocate,

.....for the Petitioner.

Ms. Sukanya Bhattacharyya, Advocate,
Mr. Mirza Firoj Ahymed Begg, Advocate,

.....for the State.

The petitioner is the husband of the victim lady. They were married for eight years.

The petitioner says that he has been falsely implicated. He has no role to play in the death of his wife. There was some quarrel between the petitioner and his wife concerning the victim's association with other persons in the locality. However, he never even thought of harming his wife. He even informed the police about his wife having gone missing.

We have seen the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. They are all general in

nature and to the effect that there used to be quarrels between the petitioner and his wife. The case appears to be based on circumstantial evidence. Investigation is complete and charge-sheet has been submitted. The petitioner is in custody for eleven months.

On an overall assessment of the material on record and the facts and circumstances of the case and the possible degree of complicity of the petitioner in the alleged offence, we are of the view that the petitioner may be enlarged on bail.

Accordingly, we direct that the petitioner namely **Ajit Singha** 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 the learned Chief Judicial Magistrate, Malda and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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 is, accordingly, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)