

CRM 5647 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sakil Tarafder @ Sajjul
.....Petitioner

Mr. Kallol Mondal
Ms. Amrita Chel
Mr. Amanul Islam
Mr. Sourav Mukherjee

.....for the Petitioner

Ms. Faria Hossain
Ms. Baisali Basu

.....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. 413/2020 dated 23.10.2020 under sections 498A/304B/34 of the Indian Penal Code.

Learned advocate for the petitioner submits that the allegations levelled against the petitioner are omnibus in nature. The petitioner's wife committed suicide by hanging. The petitioner has already suffered incarceration for about 411 days. Upon completion of investigation, charge sheet has also been submitted. Subsequent to earlier rejection of the petitioner's prayer for bail, the father-in-law and the mother-in-law of the victim had already been granted anticipatory bail. In the said conspectus, further detention of the petitioner is not necessary.

Learned advocate for the State opposes the petitioner's prayer and draws our attention to the several documents in the case diary including the statement of the victim's mother as

recorded under Section 164 of the Code of Criminal Procedure as well as the statement of the eye witnesses as recorded under Section 161 of the Code and the post mortem report.

Having heard learned advocates for the respective parties and considering the materials in the case diary, nature of allegations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted more so when upon completion of investigation, charge sheet has already been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sakil Tarafder @ Sajjul**, 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 a local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar, on further condition that the petitioner shall not leave the jurisdiction of Chakdah Police Station without the permission of the learned Court below save and except for attending the learned trial court on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 5647 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)