

21.12.2021
Court No.32
Item No. 270
Avijit Mitra

C.R.M. 7599 of 2021

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

And

In Re : Salim Molla alias Selim Molla

.... petitioner

Mr. Abdus Salam,
Mr. Subrata 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 Jagacha Police Station Case No.153 of 2021 dated 26.06.2021 under sections 498A/304B/120B/34 of the Indian Penal Code and under Sections 3 & 4 of the Dowry Prohibition Act.

Mr. Salam, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred about 2½ years after his marriage. The victim lady was suffering from various ailments and she committed suicide. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the

petitioner, who is in custody for more than 170 days, is not warranted.

Ms. Basu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of witnesses as recorded under Sections 161 and 164 of the code and the *post-mortem* report.

Having heard the learned advocates for the respective parties and considering the materials in the case diary, the nature of accusations, the *post-mortem* report 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 necessary, more so when, upon completion of the investigation chargesheet has also been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Salim Molla alias Selim Molla**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah with a further condition that the petitioner shall meet with the Officer-in-Charge, Jagacha Police Station once a fortnight until further orders.

The petitioner shall attend the learned Court below 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. 7599 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)