

**17.03.2021**

Item No.57

Ct.No.28

dc.

**Allowed**

**C.R.M. 11163 of 2020**

**(Via Video Conference)**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Habibpur P.S. Case No. 176 of 2018 dated 18.05.2018 under Sections 498(A)/306/34 of the Indian Penal Code read with Section 4 of D. P. Act (G.R. Case No. 1951 of 2018).

And

In Re : **Naresh Das**

... Petitioner.

Mr. Kazi Mokhlasur Rahman

... For the Petitioner.

Mr. Bidyut Kumar Roy,

Ms. Rita Datta

... For the State.

This is an application for bail in connection with Habibpur P.S. Case No. 176 of 2018 dated 18.05.2018 under Sections 498(A)/306/34 of the Indian Penal Code read with Section 4 of D. P. Act at the behest of the petitioner.

The instant bail application is taken out on the ground of parity. The petitioner being the brother-in-law of the deceased seeks bail on the ground that the husband of the deceased victim has already been enlarged on bail.

The learned advocate for the State could not produce any material where the present petitioner can be said to have stood on a different footing than that of the husband of the victim. The allegation is common to both of them. Since the husband has already been granted bail, we do not find any

justification in keeping the petitioner in custody. As such, petitioner's prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Naresh Das** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to the condition that while on bail, the petitioner shall meet the Officer-in-Charge of the Habibpur Police Station once a week until further orders and shall not leave the jurisdiction of the said Police Station without prior leave of the learned Magistrate or the learned Sessions Judge, except for the purpose of attending the Court proceedings.

With the aforesaid observations, the application for bail, being CRM 11163 of 2020, is disposed of.

**(Harish Tandon, J.)**

**(Tirthankar Ghosh, J.)**