

23.06.2021

Court No. 28
Item No. JB-15
nandy

(bail - allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 656 of 2021

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 07.06.2021 in connection with Haldibari Police Station Case No. 164 of 2020 dated 18.12.2020 under Sections 498A/326/307/302 of the Indian Penal Code (G.R. Case 608 of 2020).

and

In the matter of: **Rinku Md. @ Muhammad**

..... Petitioner

Mr. Jaydeep Kanta Bhowmik, Advocate

.....for the Petitioner

Mr. Nilay Chakraborty, Advocate

Mr. Tapan Bhattacharjee, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Haldibari Police Station Case No. 164 of 2020 dated 18.12.2020 under Sections 498A/326/307/302 of the Indian Penal Code.

Learned advocate for the petitioner submits that petitioner being younger brother-in-law of deceased victim, has been falsely implicated in this case. The case according to petitioner, is a fallout of strained matrimonial relationship of his elder brother, who is principal accused in this case with the deceased daughter-in-law. It is further submitted that petitioner simply visited his native place upon receiving death news of deceased victim/daughter-in-law, when police arrested

him, and he is in custody since December 22, 2020. The charge-sheet having submitted in this case, detention is no longer required. Taking such grounds, petitioner has prayed for bail, focusing his long incarceration.

Learned Advocate for the State raises objection submitting that there are sufficient statements available in the case diary justifying involvement of the petitioner. Our attention is drawn to the dying declaration of victim, wherein there is no reflection regarding involvement of the petitioner.

Having considered the submission of both sides and bearing in mind the omnibus allegations raised against the petitioner and further that there is no reflection in the dying declaration regarding direct involvement of the petitioner as also the conclusion of investigation with submission of charge-sheet, we are of the view that further detention of the petitioner is not justified. Moreover, the status of the petitioner is not with that of the prime accused/husband and the mother-in-law of the deceased victim, who are already in custody.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner (Rinku Md. @ Muhammad) is released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj; and on condition that petitioner shall ensure his appearance on each date of trial so that proceeding of the Court is not disturbed in any manner whatsoever; and further that he will not tamper the evidence, and intimidate the witnesses to be examined during trial.

We, however, clarify that failure to observe the conditions of bail, without any justifiable reasons, necessary order may be followed

by the Trial Court without making any reference to this Court.

The application being **CRM 656 of 2021** accordingly **disposed of.**

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)