

14.02. 2022

Court No.32
rpan / **28**

C.R.M. (DB) 20 of 2022

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

And

In Re.: **Nasirul Mollick**

- Petitioner

Ms. Sreyashee Biswas,
Mr. Jyotiska Panja,
Ms. Puja Goswami
... for the Petitioner.

Mr. P. K. Datta,
Mr. Santanu Deb Roy
... for the State.

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bauria Police Station Case No.108 of 2021 dated 03.08.2021 under Sections 498A/302/304B/34 of the Indian Penal Code, 1860.

Ms. Biswas, learned advocate appearing for the petitioner submits that the victim suffered an accidental death as while she was cooking, the stove bursted and she caught fire. She expired about five days after the alleged incident. The petitioner attempted to douse the fire and also took her to the hospital. Upon completion of investigation charge sheet has been submitted and as such, further detention of the petitioner, who is in custody for about 195 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Deb Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the neighbours as recorded under Section 161 of the

Code, the injury report as well as the post-mortem report. Answering our query, he submits that there had been no dying declaration.

Heard the learned advocates and considered the materials in the case diary.

From the injury report it appears that the victim 'caught fire from stove burst.' Such statement stands corroborated by the statements of the witnesses, who were the neighbours. Considering the manner in which the incident occurred, the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner, who has already suffered incarceration for about 195 days, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Nasirul Mollick**, 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 Additional Chief Judicial Magistrate, Howrah at Uluberia.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 20 of 2022 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.)