

Via video conference

04.03.22

(S.R.)

Sl.22

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kaliganj** Police Station Case No.268 of 2021 dated 17/05/2021 under Sections 498A/302/34 of the Indian Penal Code. Subsequently charge sheet submitted under Sections 498A/306/34 of the Indian Penal Code;

And

In re: Basaruddin Sk @ Bochon Sk.

... petitioner.

Mr. Prabir Majumder

Mr. S. Majumder

... for the petitioner.

Mr. P.K. Datta

Mr. Santanu Deb Roy

...for the State.

Mr. Majumder, learned lawyer appearing for the petitioner submitted that the present petitioner, who is the husband of the victim, is falsely implicated. The victim committed suicide. There is no question of committing murder of the victim as available materials do not indicate so. Charge sheet has been filed and the present petitioner is in custody for 283 days. He has two children, one son and one daughter. On these grounds, Mr. Majumder prayed for bail on any stringent condition.

Mr. Deb Roy, learned lawyer appearing for the State strongly opposed the bail on the ground that the allegation is very grave and serious. The injury reports and the statements of the witnesses are strongly incriminating against the present petitioner. Even though charge sheet has been filed, because of seriousness of the offence, bail should not be granted.

We have heard rival submissions and perused the case diary. We have also perused the injury report dated 13th May, 2021 issued by the Mira Primary Health Care Centre where it is mentioned that the victim

Sabina Bibi inflicted burn injury on herself by applying kerosene oil on her body due to psychological torture by her husband. No other dying declaration is there in the record. Statements of the son and daughter of the victim indicate that there was altercation between the victim and the present petitioner and the victim committed suicide by putting fire on herself applying kerosene oil. On perusal of the statements of the witnesses and other materials it appears that it is rather a case of suicide than a case of murder. The present petitioner is in custody since 24th May, 2021. Charge sheet has been filed. Therefore, custodial detention for interrogation is not necessary. The case is not committed to the Sessions Court as yet, as informed by the Learned Advocates of both the parties.

We are, therefore, inclined to allow bail. Accordingly, the petitioner 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 local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Krishnanagar, Nadia with a further condition that the petitioner shall attend the Learned Trial Court on all the dates, as specified for hearing.

It is further directed that the petitioner 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 the petitioner's bail without any further reference to this Court.

The application for bail being CRM(DB) No.224 of 2022 is, accordingly, 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.)