

CRM (DB) 1144 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Manikchak Police Station** Case No. **314 of 2021** dated **25.08.2021** under Sections **498A/323/325/307/313/34** of the Indian Penal Code.

- A n d -

In the matter of : Samiul Momin

.... Petitioner.

Mr. A. Kr. Bhowmick,

... For the Petitioner.

Mr. D. Chatterjee, Ld. APP,
Mr. S. Chatterjee,

... for the State.

Mr. D. Banerjee,

... for the defacto complainant.

The petitioner prays for bail.

Learned Advocate for the petitioner submits that the petitioner is in custody for about 177 days. The daughter of the defacto complainant is presently residing at the matrimonial home peacefully.

Learned Advocate for the State draws attention to the materials in the case diary. He submits that the victim recorded her statement under Section 164 of the Code of Criminal Procedure on May 4, 2022.

In her statement recorded on May 4, 2022 the victim states that she is presently residing in the matrimonial home peacefully and happily.

Considering the period of detention of the petitioner and considering the statement of the victim recorded on May 4, 2022, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount of each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Malda, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witness and/or tamper with evidence in any matter whatsoever.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial Court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Kausik Chanda, J.)