

08.06.2022
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allowed

CRM (DB) 1400 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 153 dated 12.04.2022 under Sections 498A/306 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Molla Faizul Islam @ Molla Faizal Islam & Ors. petitioners

Mr. Niladri Sekhar Ghosh
Mr. Sourav Mondal
Ms. Srimoyee Mukherjee
Ms. Sompurna Chatterjee

.....for the petitioners

Ms. Faria Hossain
Ms. Baisali Basu

..... for the State

Learned Counsel appearing for the petitioners submits that the petitioners are the relations of the husband of the deceased lady. It is also submitted that they did not play any role in her matrimonial life. Incident occurred 12 years after marriage. The petitioners are in custody for 57 days.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioners and co-accuseds tortured victim who committed suicide by hanging.

We have considered material on record. Allegations against the petitioners are general and omnibus in nature. Incident occurred 12 years after marriage and statutory presumption under Section 113A of the Evidence Act is not attracted in the facts of the case.

Under such circumstances and in view of the period of detention suffered by the petitioners, we are inclined to grant bail to them.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Arambagh, subject to the condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)