

10.06.2022
Sl. No.55
akd
[ALLOWED]

C. R. M. (DB) 1557 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.05.2022 in connection with Mothabari Police Station Case No. 45 of 2022 dated 28.01.2022 under Sections 498A/302/201/120B/304B/34 of the Indian Penal Code.

And

In Re: ***Abdul Mutalim***

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Bidyut Kr. Roy

Ms. Rita Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 133 days. It is further submitted the dead body of the victim was found near her parental house.

Learned advocate appearing for the State opposes the prayer for bail and submits that the victim suffered death due to strangulation.

We have considered the materials on record. Dead body of the victim was recovered near a pond beside her parental house. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Abdul Mutalim***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)