

08.07.2022.
33.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2184 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shyampur P. S. Case No.400 of 2020 dated 29.12.2020 under Sections 498A/326/307/34 of the Indian Penal Code and adding Section 304B/302 of the Indian Penal Code and charge sheet submitted under Sections 498A/304B/302/34.

In the matter of : Sariful Mallick.

.... Petitioner.

Mr. Maidul Islam Kayal.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for more than seven months. He submits he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. She submits prayer for bail of co-accused were turned down.

We have considered the materials on record including the dying declaration of the victim which does not implicate the petitioner. He does not stand on the same footing with the co-accuseds viz., Tanuja Begam and Rausona Begum @ Roysona Begum @ Raosanara Bibi who were named in the dying declaration and accordingly their prayer for bail was rejected.

Under such circumstances and in view of the complicity of the petitioner in the alleged crime, we are of the opinion petitioner may be granted 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, Uluberia, Howrah subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)