

12.07.2022
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Partly Allowed

CRM (DB) NO. 2257 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad Police Station Case No. 135 of 2022 dated 17.03.2022 under Sections 498A/325/307 of the Indian Penal Code and under Sections 3/4 of the D.P. Act and charge-sheet submitted under Sections 498A/325/307/34 of the Indian Penal Code and under Sections 3/4 of the D.P. Act.

In Re : Masadul Sk. & Anr. petitioners

Mr. Kallol Kumar Basu
Mr. Debapriya Samanta
Mr. Jannat Ul Firdous

.....for the petitioners

Mr. Debabrata Chatterjee, learned A.P.P.
Ms. Sonali Das

....for the State

Mr. Tapodip Gupta

..... for the de facto complainant

It is submitted by the learned Counsel appearing for the petitioners that the petitioners are in custody for 33 days. It is also contended that the petitioners have been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for bail.

Learned Counsel appearing for the de facto complainant also opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses as well as medical papers show that the petitioner no. 1 attempted to kill his wife by hanging.

In view of the aforesaid materials implicating the petitioner no. 1/husband of the victim housewife, we are not inclined to grant bail to the petitioner no. 1/husband of the victim housewife.

Accordingly, application for bail in so far as petitioner no. 1/husband of the victim housewife concerned is, thus, rejected.

However, keeping in mind the extent of complicity of the petitioner no. 2/father-in-law of the victim housewife in the alleged crime and as he is an old and ailing man, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner no. 2/ father-in-law of the victim housewife 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, Lalbagh, Murshidabad, subject to the condition that the petitioner no. 2/ father-in-law of the victim housewife shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner no. 2/ father-in-law of the victim housewife 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 no. 2/ father-in-law of the victim housewife in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioner no. 2/ father-in-law of the victim housewife is concerned.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)