

18.08.2022
cm/ct 28

C.R.M. (DB) No. 2768 of 2022

sl. no. 21

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Nabadwip P.S Case No. 180 of 2022** dated **06.05.2022** under Sections **498A/306/34** of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

Partly Allowed

And

In Re : Pocha Sk & Anr..

..... petitioners

Mrs. Karabi Roy

..... for the petitioners

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

..... for the State

Petitioner No.1 is in custody for 104 days and petitioner No.2 is in custody for 44 days. It is submitted that the victim had developed illicit relationship and had committed suicide. Cause of death has not been properly established.

Learned lawyer for the State opposes the prayer for bail. He submits victim suffered haematoma in the head and it is opined death was due to the said injuries.

We have considered the materials on record. There are prima facie materials connecting the petitioner No.1 i.e. husband with the crime. Post Mortem report reveals haematoma in the head and it is opined death was due to the aforesaid injuries.

In view of the aforesaid materials on record and the involvement of the petitioner No.1 therein, we are not inclined to grant bail to him.

However, keeping in mind the extent of complicity of the petitioner No. 2 i.e. father-in-law of the victim housewife in the alleged crime, we are of the opinion he may be released on bail.

Accordingly, the petitioner No. 2 namely (2) Jaker Sk. be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction

of the learned Judicial Magistrate, Nabadwip, Nadia on condition that the petitioner No. 2 shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioner No.2 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.

Accordingly, the prayer for bail of the petitioners is partly allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)