

29.08.2022
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 2896 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2022 in connection with Nalhati Police Station Case No. 128 of 2017 dated 24.04.2017 under Sections 498A/323/307/406/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.401 of 2017)

And

In Re: **Mizanur Rahaman**

... .. Petitioner

Mr. Rajendra Banerjee

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor

Ms. Debjani Dasgupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 34 days. It is further submitted petitioner was released on bail earlier. Due to miscommunication and extreme poverty, he was unable to appear before the court below. Subsequently, warrant of arrest came to be issued and he surrendered before the court below.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. The instant case arose out of a matrimonial dispute between the petitioner and his wife. He voluntarily surrendered before the court below. Under such circumstances, we are inclined to enlarge the petitioner on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Mizanur Rahaman**, be released on bail upon furnishing 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 Additional Chief Judicial

Magistrate, Rampurhat, Birbhum 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Nalhati Police Station except for the purpose of investigation and/or for attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week until further orders.

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.)