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Partly Allowed

CRM (DB) NO. 2993 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip Police Station Case No. 151 of 2022 dated 19.04.2022 under Sections 498A/328/307/506/34 of the Indian Penal Code.

And

In Re : Sahabuddin Sk. @ Bangal & Anr. .... petitioners

Mrs. Karabi Roy

.....for the petitioners

Mr. Saswata Gopal Mukherji, learned P.P.

Mr. Partha Pratim Das

Mrs. Manasi Roy

....for the State

It is submitted by the learned Counsel appearing for the petitioners that the petitioners are father-in-law and husband of the victim housewife. They are in custody for 30 days and 40 days respectively. It is further submitted that co-accused has been granted pre-arrest bail. Accordingly, they pray for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioners do not stand on the same footing with co-accused who has been granted pre-arrest bail. Their prayer for pre-arrest bail was turned down by a co-ordinate Bench of this Court.

We have considered the materials on record. Statement of the victim shows petitioner no. 1/father-in-law of the victim housewife and others administered poison to her. Accordingly,

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

Though there are allegations that petitioner no. 2/husband of the victim housewife assaulted her, there is no allegation that he administered poison to her. Accordingly, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner no. 2/ husband 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 Judicial Magistrate, Nabadwip, Nadia, subject to the condition that the petitioner no. 2/ husband 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/ husband 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/ husband 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/ husband of the victim housewife is concerned.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**

