

30.09.2022
tkm/ct 28
sl no. 86

C.R.M. (DB) 3507 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hanskhali P.S case no. 362 of 2018 dated 7.10.2018 under sections 498A/304B/34 of the IPC
and

Allowed

In Re : Rahamotulla Dhabak

..... petitioner

Mr. S Bhattacharyya

..... for the petitioner

Mr. S S Imam

Mr. R Jana

..... for the State

Petitioner is in custody for 78 days. It is submitted on behalf of the petitioner that he is the husband of the deceased housewife. He was not present in India at the time occurrence. Victim had committed suicide. He prays for bail

Learned lawyer for the State oppose the prayer for bail and submits victim was tortured by the husband and in laws and committed suicide within one year of marriage.

We have considered the materials on record. Petitioner-husband used to work abroad. He was not present at the time of occurrence. Allegation of torture requires to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 ACJM Ranaghat, Nadia on condition that the petitioner shall appear before the trial court on every date of hearing and shall not

intimidate witnesses or tamper with evidence in any manner whatsoever.

Prior to release on bail petitioner shall submit his passport before the court below.

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 being CRM (DB) 3507 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)