

04.11.2022.
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as
(Allowed)

C.R.M. (DB) 3864 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail P. S. Case FIR No.1123 of 2021 dated 14.03.2021 under Sections 498A/302/304B of the Indian Penal Code.

In the matter of : Sk. Zakir Hussain.

.... Petitioner.

Mr. Tapan Dutta Gupta,
Mr. Rakesh Singh,
Ms. Trishani Sarkar.

...for the Petitioner.

Mr. Prasun Kr. Dutta, Id. A.P.P.,
Mr. Santanu Deb Roy,
Md. Kutubuddin.

...for the State.

Petitioner is in custody for 83 days. It is submitted victim-housewife suffered accidental death.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of murder of the victim-housewife requires to be assessed in the light of the submission that she suffered injuries in the course of road traffic accident. There is delay in lodging F.I.R.

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 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 Chief Judicial Magistrate, Howrah subject to condition that he 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.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)