

15.11.2022.
31.
as
(Allowed)

C.R.M. (DB) 3966 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria P. S. Case No.180 of 2022 dated 26.05.2022 under Sections 323/306 of the Indian Penal Code.

In the matter of : Sk. Saddam @ Damru.

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Soupal Chatterjee,
Ms. Sucheta Banerjee.

...for the Petitioner.

Mr. Tanmay Kr. Ghosh,
Mr. Arindam Sen.

...for the State.

It is submitted on behalf of the petitioner allegation of homicidal death has not been established. Charge sheet has been filed for commission of offence punishable under Section 306 of the Indian Penal Code. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the statement of the minor child of the victim girl. No mark of assault apart from the ligature mark is noted in the post mortem report.

In view of the aforesaid circumstances, period of detention suffered by him and as investigation is complete, 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 Additional Chief Judicial Magistrate, Chanchal, Malda 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.)