

21.11.2022
Sl. No.40
akd
[ALLOWED]

C. R. M. (DB) 4052 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.11.2022 in connection with Khanakul Police Station Case No. 280 dated 17.06.2022 under Sections 498A/304B of the Indian Penal Code. (G.R. Case No.700 of 2022)

And

In Re: **Sk. Mozammel Haque @ Sk. Mojammel Haque @ Babul & Anr.**
... .. Petitioners

Mr. Niladri Sekhar Ghosh
Ms. Sutanuka Chowdhury
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

Petitioners renew their prayer for bail. It is submitted on behalf of the petitioners that they are the parents-in-law of the victim-housewife. It is further submitted that they are in custody for about 157 days.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegations of torture levelled against the petitioners are general and omnibus. Though injuries are noted in the enquiry report, post-mortem doctor opined death was due to hanging. Incident occurred after four years of marriage. Balancing the nature of accusation with the period of detention suffered by the petitioners and as investigation is complete, we are of the opinion further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely **(1) Sk. Mozammel Haque @ Sk. Mojammel Haque @ Babul & (2) Rafnara Begam**, be

released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)