

30.11.2022.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4190 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P. S. Case No.329 of 2022 dated 02.05.2022 under Sections 498A/306/34 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

In the matter of : Lalchand Faraji & Anr.

.... Petitioners.

Mr. Arnab Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Dhanasree Biswas.

...for the Petitioners.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Petitioners are in custody for more than 200 days. It is submitted there is no progress in the matter since rejection of bail of the petitioners by this Court. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Minor children of the housewife state that the victim had been assaulted and tried to be throttled. However, post mortem report indicates a case of ante mortem hanging. The aforesaid dichotomy requires to be looked into in the course of trial. There is no progress in the matter since rejection of bail of the petitioners by this Court.

Under such circumstances, we are of the opinion further detention of the petitioners is not necessary and they may be released on bail.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnanagar, Nadia subject to condition they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)