

23.12.2022
tkm/ct 28
sl no. 109

C.R.M. (DB) 4621 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Palashipara P.S case no. 224 of 2020 dated 18.8.2020 under sections 498A/304B/34 of the IPC and sections 3 and 4 of the DP Act

And

Allowed

In Re : Jul Hosssain Sk @ Patol

..... petitioner

Mr. Souvik Mitter
Mr. Atis Kr. Biswas
Mr. A Singh
Mrs. J Agarwal

..... for the petitioner

Mr. T K Ghosh
Mr. Arindam Sen

..... for the State

Petitioner is in custody for more than two years. It is submitted there is no progress in the matter since rejection of bail by this court in May 2022. Co-accuseds are on bail. He prays for bail.

Learned lawyer for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected on merits by this court as well as by the Apex Court. Petitioner is the brother-in-law of the deceased housewife. He ravished her. Subsequently, she was burnt to death.

We have considered materials on record. FIR was registered one month after the incident. Allegation of rape in the FIR is not corroborated by the statements of other witnesses. Regarding allegation of murder, statements of witnesses show the door of the room where the victim was found with burn injuries was locked from inside and had to be broken open. Be that as it may, we note there is no progress in the matter since May 2022. Date has been

fixed for consideration of charge in April 2023. There is little possibility of trial concluding in the near future. Most of the witnesses are relations of the deceased housewife. Possibility of winning over of such witnesses appear to be remote.

In view of the aforesaid circumstances and delay in the commencement of trial, we are inclined to grant to 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, Tehatta, 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.

In the event he fail 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) 4621 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)