

17.01.2023.
39.
as
(Allowed)

C.R.M. (DB) 183 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat P. S. Case No.330 of 2022 dated 14.07.2022 under Sections 498A/304B/302/34 of the Indian Penal Code.

In the matter of : Soban Mir @ Sobhan Mir.

.... Petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das,
Mr. Biman Halder,
Mr. Abdul A. Seikh.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioner is in custody for 169 days. He submits he has been falsely implicated in the instant case. Investigation is complete. Co-accuseds are on bail. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits victim-housewife was physically assaulted and poisoned to death. There are marks of injury in the post mortem report.

We have considered the materials on record. There is no direct evidence that petitioner had administered poison to the victim. Other injuries to the victim are not grievous. Investigation is complete.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Soban Mir @ Sobhan Mir 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, Kakdwip, South 24-Paraganas 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.)