

20.01.2023
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allowed

CRM(DB) No. 271 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Serampore Police Station Case No. 332 of 2017 dated 06.07.2017 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Nizamuddin @ Nizam petitioner

Mr. Dhananjoy Banerjee

Mr. Protip Mukherjee

Mrs. Rima Banerjee

.....for the petitioner

Mr. S. G. Mukherjee, learned PP

Mr. Aniket Mitra

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than five years. It is also submitted that there is inordinate delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim housewife was murdered within two years of marriage.

We have considered the materials on record. Allegations are no doubt grave. However, there is inordinate delay in trial. Petitioner is in custody for more than five years. Only two witnesses have been examined. There is hardly any possibility of trial concluding in the near future. Petitioner has strong roots in society. There is no possibility of abscondence or tampering with evidence. Under such circumstances, we are inclined to grant bail to him.

Accordingly, we direct that 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, Serampore, Hooghly, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)