

02.02.2023
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allowed

CRM(DB) No. 393 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1657 of 2022 dated 02.11.2022 under Sections 498A/304B/302/34 of the Indian Penal Code.

And

In Re : Sk. Mojibar & Ors. petitioners

Ms. Minoti Gomes

Mr. Musharraf Alam Sk.

Ms. Susmita Ghorai

.....for the petitioners

Mr. Prasun Kumar Datta, learned APP

Mr. Santanu Deb Roy

..... for the State

Learned Counsel for the petitioner submits petitioner no. 3 does not wish to proceed with this application.

Accordingly, application for bail is dismissed as not pressed in so far as petitioner no. 3 is concerned.

We have considered the materials on record. Petitioners no. 1 and 2 are the parents-in-law of the victim housewife. They are in custody for 60 days. Allegations against them are general and omnibus . Incident occurred six years after marriage. Keeping in mind the aforesaid fact, we are inclined to grant bail to them.

Accordingly, we direct that the petitioners no. 1 and 2 viz. 1) Sk. Mojibar and (2) Nuraja Bibi @ Nouredja Bibi 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, Malda, subject to conditions that petitioners no. 1 and 2 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 petitioners no. 1 and 2 fail to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)