

07.02.2023
Sl. No.32
akd
[PARTLY
ALLOWED]

C. R. M. (DB) 475 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2023 in connection with Domjur Police Station Case No. 628 of 2018 dated 29.08.2018 under Sections 302/201/34 of the Indian Penal Code.

And

In Re: **Sk. Monsur Ali & Anr.**

... .. Petitioners

Md. Asraf Ali
Mr. Rafikul Islam Sardar

... .. for the petitioners

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Ashok Das

... .. for the State

Supplementary affidavit is placed on record.

It is submitted on behalf of the petitioners that they are in custody for more than four years. It is further submitted there is inordinate delay in trial.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner no.1 and his son are the principal accuseds. Dismembered torso of the deceased was recovered from the septic tank of their house. On the leading statement of petitioner no.1, other incriminating articles were recovered.

We have considered the materials on record. Offence is a heinous one. Dismembered torso was recovered from the septic tank. On the leading statement of petitioner no.1, other incriminating articles were recovered.

In view of gravity of the offence and prima facie involvement of petitioner no.1 in the alleged crime, we are not inclined to grant bail to petitioner no.1 namely, **(1) Sk. Monsur Ali** at this stage.

However, the extent of complicity of petitioner no.2, wife of petitioner no.1, is inferential. Co-accuseds similarly circumstanced with her are on bail. Hence, we are of the opinion further detention of the accused/petitioner no.2 is not necessary.

Therefore, the accused/petitioner no.2 namely **(2) Jaiganesha Begum**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that the said petitioner no.2 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 she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application for bail is thus disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)