

07.02.2023
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 478 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2023 in connection with Kaliyaganj Police Station Case No.330 of 2022 dated 07.07.2022 under Sections 498A/304B/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.1802 of 2022)

And

In Re: ***Mujaffar Hossain @ Mojaffar Hossain***
... .. Petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon
... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 102 days. It is further submitted petitioner was not present at the place of occurrence.

Learned Advocate for the State opposes the prayer for bail and submits victim-housewife was tortured over demands of dowry. She was pregnant. She committed suicide.

We have considered the materials on record. Petitioner was not present on the date of occurrence. Investigation is complete. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Mujaffar Hossain @ Mojaffar Hossain***, 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, Uttar Dinajpur subject to condition

that the said petitioner 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 he fails 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)