

65 02.03.2023
AD Ct. No.29
(Allowed)

C.R.M. (DB) 823 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gazole** P.S. Case No.**886 of 2022** dated **19/11/2022** under Sections **498A/306/34** of the Indian Penal Code, corresponding to G.R. No.7208 of 2022.

And

In the matter of: Moazem Hossain

....petitioner.

Mr. Kalidas Saha

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP

Ms. Faria Hossain

Mr. Anand Keshari

...for the State.

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 103 days. The police filed charge sheet and, therefore, further detention of the petitioner is not required.

Learned Advocate appearing for the State opposes the prayer for bail. She refers to the materials in the case diary including the statement of the post-occurrence eye-witness recorded under Section 164 of the Code of Criminal Procedure. She submits that the victim was nine months' old pregnant when she committed suicide. She submits that the materials in the case diary suggests inhuman torture on the victim so as to instigate the victim to take such measure when she was nine months' old pregnant.

The incident of suicide occurred eight years after marriage.

Apparently, there was an affair between the petitioner and some other lady.

Whether the petitioner abetted the commitment of the suicide or not is an issue which is required to be decided at the trial.

Considering the period of detention of the petitioner and the materials in the case diary, we grant bail to the petitioner.

Accordingly, the petitioner 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, Malda, subject to the condition that during bail the petitioner shall appear before the learned trial court on every date of hearing and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioner is allowed.

The application for bail being **C.R.M. (DB) 823 of 2023** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)