

14.03.2023
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allowed

CRM(DB) No. 915 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 818 of 2017 dated 17.11.2017 under Sections 498A/306 of the Indian Penal Code.

In Re : Muktar Hossain And
..... petitioner

Mr. Jisan Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal
.....for the petitioner

Mr. Arijit Ganguly
Mr. Avik Ghatak
..... for the State

Learned Counsel for the petitioner submits he is in custody for 41 days. It is also submitted he has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the minor daughter shows there was illicit relationship between the petitioner and the deceased housewife. Deceased housewife was abused over such relationship. As a result she committed suicide. Under such circumstances and keeping in mind period of detention suffered by the petitioner, 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 Chief Judicial Magistrate, Uttar

Dinajpur, subject to the 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.)