

03.04.2023
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allowed

CRM(DB) No. 1307 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 802 of 2022 dated 21.11.2022 under Section 306 of the Indian Penal Code.

And

In Re : Huzur Ali Sk. @ Hujur Ali Sekh petitioner

Ms. Sananda Bhattacharyya

....for the petitioner

Ms. Faria Hosain

Mr. Anand Keshari

.... for the State

Learned Counsel for the petitioner submits he is in custody for 133 days. Investigation is complete. It is also submitted ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. There was dispute between relations. Petitioner had abused wife of the victim. When victim protested he was assaulted. Subsequently he committed suicide. Victim did not leave behind any suicide note. No injury apart from ligature mark is noted in the post mortem report. Under such circumstances and in view of period of detention suffered by the petitioner i.e. 133 days, 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to conditions 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.)