

01.05.2023
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allowed

CRM(DB) No. 1742 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1014 of 2022 dated 02.08.2022 under Sections 498A/304B/302/34 of the Indian Penal Code.

And

In Re : Ram Rajowar @ Rampada Rajoyar petitioner

Mr. Arnab Chatterjee

Mr. Jisan Iqubal Hossain

....for the petitioner

Mr. Saswata Gopal Mukherji, learned PP

Mr. Aniket Mitra

.... for the State

Learned Counsel for the petitioner submits he is the maternal uncle-in-law of the victim housewife. He does not reside at the matrimonial home. He is in custody for 197 days. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim housewife was murdered at her matrimonial home.

We have considered the materials on record. Petitioner is the maternal uncle-in-law of the victim housewife. He does not ordinarily reside at the matrimonial home. Statements of witnesses do not show his presence at the matrimonial home on the date of occurrence. Keeping in mind the aforesaid fact and 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, Berhampore, 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.)