

08.05.2023
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allowed

CRM(DB) No. 1831 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 783 of 2022 dated 05.12.2022 under Sections 498A/302/34 of the Indian Penal Code.

And
In Re : Mainul Mondal petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Poulami Bose
....for the petitioner

Mr. Saswata Gopal Mukherji, learned P.P.
Mr. Aniket Mitra
Ms. Jonaki Saha
.... for the State

Mr. Susnigdho Bhattacharyya
.... for the defacto complainant

Learned Counsel for the petitioner submits he is in custody for 140 days. It is also submitted that he is not the principal accused. He prays for bail.

Learned Public Prosecutor opposes the bail prayer.

Learned Counsel for the defacto complainant also opposes the bail prayer.

We have considered the materials on record. Petitioner is the brother-in-law of the victim housewife. Statement of the minor daughter shows that the husband strangled the victim housewife. It is also submitted petitioner was present at the spot. The fact that the petitioner was present at the spot must be considered in the light of attending circumstances including the

fact that he ordinarily resided in the said premises. Under such circumstances keeping in mind the extent of complicity of the petitioner in the alleged crime, period of detention suffered by him and as investigation is complete, we are inclined to enlarge the petitioner on bail.

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, Murshidabad at 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.)