

06.06.2023.
18.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1874 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar P. S. Case No.252 of 2021 dated 26.02.2021 under Sections 498A/302/34 of the Indian Penal Code and charge sheet submitted under Sections 498A/302/34 of the Indian Penal Code.

In the matter of : Rasul Khan.

.... Petitioner.

Mr. Kallol Mondal,
Mr. M. Alam Sk,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Ayan Mondal,
Mr. Shamsheer Ansari.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioner is in custody for more than two years. He submits there is delay in trial. He also submits prosecution witnesses have not supported the case. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits victim housewife was murdered at the matrimonial home.

We have considered the materials on record. In view of the fact that the victim housewife suffered homicidal death at the matrimonial home, it is for the husband and other inmates to explain the circumstances leading to her murder. However, prosecution witnesses examined till date have not supported

the case. There is little possibility of trial concluding in the near future. There is no chance of his abscondence.

Keeping in mind the aforesaid facts and circumstances of the case, we are of the opinion further detention of the petitioner is not necessary and petitioner may be enlarged on bail.

Accordingly, the petitioner viz., Rasul Khan 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, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)