

14.06.2023

Sl. 27

Court No. 29

Sourav

(Allowed)

C.R.M. (DB) 2244 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Monteswar** Police Station Case No. **155** of **2021** dated **29.04.2021** under Sections **498A/302/201/34** of the Indian Penal Code, 1860.

And

In the matter of: **Samirul Mallick @ Babu**

....petitioner.

Mr. Ashok Das

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP

Mr. Subrato Roy

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is the husband of the deceased who died within seven months of her marriage. The dead body was recovered from the cowshed of the house of the accused person, kept in a manner with complete indecency to a dead body who is found to have suffered a homicidal death has opined by the medical officer.
3. Considered the materials placed by the learned Counsel for the parties.
4. It is found from the police record that there is omnibus allegation against all the accused persons including the present petitioner so far as torture and harassment of the deceased in the hands of the family member of the petitioner is concerned.
5. Learned Counsel for the State submits that one of the witnesses has stated that he saw the petitioner going towards the cowshed few days before the recovery of the dead body.
6. Our attention is drawn to the statement of another witness

before whom the deceased was crying and present petitioner had stated that he would kill his wife.

7. However, all these are circumstances which should be proved as primary facts before the trial Court. If totality of the materials on record are taken into consideration, the present petitioner is also similarly circumstanced with the co-accused persons i.e., family members of the petitioner who have already been released on bail.
8. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, question of parity and the completion of investigation, it is directed that the petitioner shall be released on bail by the learned Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman, in Connection with Monteswar Police Station Case No. 155 of 2021 dated 29.04.2021 on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
9. Accordingly, the prayer for bail is allowed.
10. The application being **CRM (DB) 2244 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

