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Partly Allowed

CRM (DB) No. 2389 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 527 of 2022 dated 09.10.2022 under Sections 498A/304B/302/34 of the Indian Penal Code.

And

In Re : Ripon Rana & Ors. petitioners

Mr. Pravas Bhattacharya

.....for the petitioners

Ms. Zareen N. Khan

Mr. Asif Dewan

....for the State

Learned Counsel for the petitioners submits they are in custody for over 100 days. It is also contended victim housewife committed suicide. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim was physically assaulted prior to her death.

We have considered the materials on record. Petitioner no. 1 is husband of the victim housewife. There are materials to show that the housewife had been assaulted prior to her death due to hanging. Keeping in mind the aforesaid circumstances and nature of allegations, we are not inclined to grant bail to petitioner no. 1.

The application for bail in so far as petitioner no. 1 is, thus, rejected.

Petitioners no. 2 and 3 are the in-laws of the victim housewife. Allegations against them are general and omnibus. Hence, we are inclined to grant bail to them.

Accordingly, we direct that petitioners no. 2 and 3 viz. 2) Juel Rana and 3) Mehebuba Bibi @ Khatun shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Uttar Dinajpur, subject to the condition that the petitioners no. 2 and 3 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioners no. 2 and 3 are concerned.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

