

Allowed

CRM (DB) 2436 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Khanakul Police Station Case No. 67 of 2023** dated **31.01.2023** under Sections **498(A)/406/304B** of the Indian Penal Code, 1860 read with Section **4** of the Dowry Prohibition Act, 1961.

And

In the matter of: - **Sk. Nabab Ali @ Sk. Nawab Ali** ...petitioner.

Mr. Niladri Sekhar Ghosh, Adv.,
Ms. Sompurna Chatterjee, Adv.,
Mr. Sourav Mondal, Adv.
...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP,
Mr. Partha Pratim Das, Adv.,
Ms. Eshita Dutta, Adv.
...for the State.

The allegation is under Sections 498(A)/406/304(B) of the Indian Penal Code, 1860.

The petitioner says that he had no role to play in the suicide committed by his wife. He has been falsely framed. He is in custody for fifty nine days. Charge-sheet has been submitted. No useful purpose will be served by keeping him in jail any further.

We have perused the material in the case diary and we have gone through the statements of persons recorded under Section 161 of the Code of Criminal Procedure, 1973. We are of the view that the extent of complicity of the petitioner appears to be such *prima facie* that he may be entitled to the privilege of bail particularly since investigation has been completed and charge-sheet has been submitted.

Accordingly, we direct that the petitioner *viz.*, **Sk. Nabab Ali @ Sk. Nawab Ali** 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 learned Additional Chief Judicial Magistrate, Arambagh, Hooghly, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not commit any cognizable offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2436 of 2023 is, accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)