

12.07.2023
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allowed

CRM(DB) No. 2763 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 116 of 2023 dated 01.04.2023 under Sections 498A/304B/302/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

And
In Re : Asif Sk. petitioner

Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal
....for the petitioner

Mr. S. G. Mukherji, learned PP
Mr. Partha Pratim Das
Mrs. Manasi Roy
.... for the State

Learned Counsel for the petitioner submits he is husband of the victim housewife. He was at his place of work i.e. Chennai at the time of occurrence. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim housewife was tortured and committed suicide within two years of marriage.

We have considered the materials on record. Petitioner was not present at the time of occurrence. Investigation is complete. There is no chance of his abscondence. Keeping in mind the aforesaid facts and as investigation is complete, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, 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.)