

24.07.2023.
39.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2909 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalna P. S. Nadia Case No.734 of 2021 dated 28.09.2021 under Sections 498A/302 of the Indian Penal Code.

In the matter of : Lalbabu Sk. @ Lalbabu Sekh.

.... Petitioner.

Ms. Minoti Gomes,
Mr. Dhananjay Banerjee.

...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 one year and nine months.

It is submitted son of the victim has not implicated the petitioner. He renews his bail prayer.

Learned advocate for the State opposes the bail prayer.

He submits victim housewife suffered homicidal death at the matrimonial home.

We have considered the materials on record. Son of the petitioner was declared hostile. His evidence improbabilises the presence of the petitioner at the place of occurrence. There is no direct evidence implicating the petitioner in the murder.

In view of the aforesaid facts, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Lalbabu Sk. @ Lalbabu Sekh 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, Kalna, Purba Bardhaman 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.)