

16.08.2023
Sl. No.34
akd
[ALLOWED]

C. R. M. (DB) 3038 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.07.2023 in connection with Hasnkhali Police Station Case No.274 of 2023 dated 30.03.2023 under Sections 498A/304B/34 of the Indian Penal Code. (G.R. Case No.1248 of 2023)

And

In Re: ***Tahidullah Mondal @ Tahidul***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Tapadipto Gupta
Mr. Sompurna Chatterjee
Mr. Sourov Mondal

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 119 days. It is further submitted he had fallen in love with the victim. They married each other. Petitioner was employed at Kerala. In his absence, victim committed suicide. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim was a minor. She was tortured at her matrimonial home. She committed suicide within two years of marriage.
3. We have considered the materials on record. Parties had married each other out of love. It is contended petitioner used to work for gain at Kerala. Co-accused i.e. the in-laws have been enlarged on bail. Investigation is complete. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Tahidullah Mondal @ Tahidul***, be released on bail upon furnishing a bond of Rs.10,000/-

(Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the said petitioner 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.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)