

10.08.2023.
17.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 3162 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanapara P. S. Case No.240 of 2022 dated 09.12.2022 under Sections 498A/302/304B/34 of the Indian Penal Code.

In the matter of : Hasanurjaman Sk. @ Rocky.

.... Petitioner.

Mrs. Anasuya Sinha,
Mr. Asraf Mandal.

...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 244 days. It is submitted allegation of physical assault is not supported by medical evidence. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits victim housewife was subjected to torture at the matrimonial home. She suffered unnatural death.

We have considered the materials on record. Allegation of physical assault is not supported by medical evidence. Incident occurred four years after marriage. Investigation is over. Co-accused are on bail. There is no chance of abscondence.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Hasanurjaman Sk. @ Rocky 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, Tehatta, Nadia 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.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)