

24.08.2023
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allowed

CRM(DB) No. 3321 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 791 of 2022 dated 13.12.2022 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Nistar Sekh @ Sk. & Anr. petitioners

Mr. Asraf Mandal

....for the petitioners

Mr. S. G. Mukherji, learned PP

Mr. Partha Pratim Das

Mrs. Manasi Roy

..... for the State

1. Learned Counsel for the petitioners submits they are the parents-in-law of the victim housewife. It is also contended that charge-sheet has been filed under Section 498A of the Indian Penal Code against them. They are in custody for 105 days. They pray for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. Victim lady suffered homicidal death in a field near her matrimonial home. Her husband and brother in law were seen following her to the field. Parents-in-law were not present at the place of occurrence. Charge-sheet has been filed under Section 498A of the Indian Penal Code only against them. Under such circumstances, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with

two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia, subject to conditions that petitioners 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.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)