

31.08.2023
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 3411 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.08.2023 in connection with Ketugram Police Station Case No.75 of 2021 dated 21.02.2021 under Sections 302/120B of the Indian Penal Code. (G.R. Case No.171 of 2021)

And

In Re: **Abu Taher**

... .. Petitioner

Mr. Soumik Ganguly
Mr. Diptendu Banerjee

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Amita Gaur

... .. for the State

1. It is submitted on behalf of the petitioner that he is the husband of the victim lady. Petitioner was in Kerala at the time of occurrence. Principal accused i.e. father-in-law has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Case is based on circumstantial evidence. Petitioner was not present at the place of occurrence. Under such circumstances and keeping in mind the extent of complicity of the petitioner in the alleged crime, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Abu Taher**, 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, Katwa, Purba Bardhaman 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.)