

12.09.2023
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allowed

CRM(DB) No. 3537 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panchla Police Station Case No. 272 of 2022 dated 24.07.2022 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Ajjul Ali Middey @ Azizul Ali Middey petitioner

Mr. Anindya Ghosh

....for the petitioner

Mr. Saswata Gopal Mukherjee, learned PP

Ms. Faria Hossain

Mr. Anand Keshari

.... for the State

Ms. Busra Khatun

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 176 days. He is not specifically named in the statement of the child recorded under Section 164 of the Code of Criminal Procedure. Co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits victim had been assaulted at the matrimonial home. As a result she died.

3. Learned Counsel for the de facto complainant also opposes the prayer for bail.

4. We have considered the materials on record. Minor child in her statement before the learned Magistrate claimed her father, uncle and aunt had assaulted her mother. It is contended the minor had more than one uncle and she had not specifically implicated the petitioner in the crime. Under such circumstances

and as Ruksad Khatun @ Ruksad Begum had been enlarged on bail, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Howrah, subject to the condition that petitioner 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.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)