

18.09.2023
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 3595 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Berhampore Police Station Case No.451 of 2023 dated 12.04.2023 under Sections 498A/302/34 of the Indian Penal Code. (G.R. Case No.1574 of 2023)

And

In Re: ***Suman Kumar Halder @ Suman Haldar***

... .. Petitioner

Mr. Kingsuk Mondal

... .. for the petitioner

Mr. Saswata Gopal Mukherji .. Id. Public Prosecutor

Ms. Faria Hossain

Ms. Mamata Jana

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 110 days. It is further submitted incident occurred eight years after marriage. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim-housewife was tortured and committed suicide at the matrimonial home.
3. We have considered the materials on record. Victim-housewife committed suicide eight years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted. Investigation is complete. There is no chance of abscondence of the petitioner. Under such circumstances and in view of 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 ***Suman Kumar Halder @ Suman Haldar***, 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 Chief Judicial Magistrate, Murshidabad at Berhampore 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.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)