

18.09.2023
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allowed

CRM(DB) No. 3618 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajapur Police Station Case No. 120 of 2023 dated 01.06.2023 under Sections 498A/326/307/34 of the Indian Penal Code.

And
In Re : Arif Halder petitioner

Mr. Dipankar Dandapath
....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Sima Biswas
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 76 days. Investigation is complete. He has been falsely implicated in the case. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner administered poison to his wife.

3. We have considered the materials on record. Allegation of forcible administration of poison is not supported by any bodily injury. Possibility of self-ingestion cannot be ruled out. Under such circumstances and as investigation is complete, we are inclined to grant bail to the petitioner.

4. 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 Additional Chief Judicial Magistrate,

Uluberia, Howrah, subject to conditions 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.

5. 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.

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

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)