

18.09.2023
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allowed

CRM(DB) No. 3621 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagacha Police Station Case No. 82 of 2023 dated 13.05.2023 under Sections 498A/302/304B/34 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 498A/304B of the Indian Penal Code.

And
In Re : Sk. Sirajul petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
....for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 130 days. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had throttled the victim housewife and had hung her dead body.

3. We have considered the materials on record. Son of the couple stated petitioner had throttled the victim lady. Thereafter he had hung her dead body. But post mortem report shows death was due to hanging. Apart from oblique non-continuous ligature mark no other injury is present on her body. This rules out the possibility of homicidal death. Under such circumstances, and as investigation is complete and there is no chance of abscondence, 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 District and Sessions Judge, 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.)