

18.09.2023
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allowed

CRM(DB) No. 3624 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 404 of 2023 dated 27.05.2023 under Sections 498A/302 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 498A/306/34 of the Indian Penal Code.

And

In Re : Gobinda Naskar petitioner

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

Mr. Neguive Ahamed, learned APP
.... for the State

1. Learned Counsel for the petitioner submits victim housewife committed suicide. Offence of murder has been deleted from the charge-sheet. He is in custody for 115 days. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Investigation is complete. Offence under Section 302 of the Indian Penal Code has been deleted from the charge-sheet. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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 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.)