

10.10.2023
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allowed

CRM(DB) No. 3769 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chakdah Police Station Case No. 128 of 2018 dated 20.04.2018 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Abhijit Ghosh @ Avijit Ghosh petitioner

Mr. Sourav Chatterjee
Ms. Annesha Mukherjee

....for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu
Ms. Mamata Jana

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 152 days. Co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is named in the dying declaration of the victim.

3. We have considered the materials on record. Though petitioner is named in the dying declaration, we note co-accused that is father-in-law and mother-in-law of the victim who are similarly named in the said declaration are on bail. There is little possibility of trial concluding in the near future. Under such circumstances, 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,

Kalyani, Nadia, 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 automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)