

03.10.2023
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allowed

CRM(DB) No. 3785 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Indpur Police Station Case No. 68 of 2021 dated 24.08.2021 under Sections 498A/ 304B/ 302 of the Indian Penal Code and charge-sheet submitted under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : Sisir Bauri petitioner

Mr. Rhiddiman Mukherjee

Mr. Arkaprabho Roy

Mr. Rowsan Kumar Jha

....for the petitioner

Mr. S. G. Mukherjee, learned PP

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. Victim lady committed suicide. There is inordinate delay in trial. Only four out of sixteen witnesses have been examined. He prays for bail.

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

3. We have considered the materials on record. Victim wife died due to hanging which gives an impression of suicidal death. Though petitioner is in custody for more than two years only four witnesses have been examined till date. 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 Additional Chief Judicial Magistrate, Khatra, Bankura, subject to condition 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)