

03.10.2023.
32.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3794 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S. Case No.329 of 2022 dated 02.05.2022 under Sections 498A/306/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

In the matter of : **Muntaharul Faraji @ Monotahar.**

.... Petitioner.

Mr. Sumanta Das.

...for the Petitioner.

Mr. Binay Panda,

Ms. Puspita Saha.

...for the State.

1. Petitioner submits post mortem runs counter to the allegation of throttling the victim. Co-accused are on bail. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Minor child of the victim lady stated she was throttled to death but the post mortem report shows death was due to ante mortem hanging which indicates suicidal death. Co-accused have been granted bail. Petitioner stands on the same footing and is entitled to same relief.
4. In view of the aforesaid dichotomy and the period of detention suffered by the petitioner i.e. for over two years, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Muntaharul Faraji @ Monotahar** 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 Chief Judicial Magistrate, Krishnanagar, Nadia subject to condition that she shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)