

11.10.2023.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3808 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal P.S. Case No.386 of 2017 dated 02.07.2017 under Sections 498A/302/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In the matter of : **Alam @ Faruk @ Faruk Hossain.**

.... Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. A. Banerjee,
Ms. Shabnam Laskar.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

1. Petitioner is in custody for over six years. He submits there is delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends three witnesses have been examined.
3. We have considered the materials on record. Petitioner is the husband of the victim-wife. She had been murdered at the matrimonial home. Allegations are very grave and would attract mandatory life imprisonment but the progress in trial is very slow. Though charge was framed in 2022, till date only three witnesses have been examined. Report submitted on behalf of the State shows on number of dates witnesses were absent.
4. Under such circumstances, we are of the opinion delay in trial is not attributable to the petitioner and he has made out a case for bail on the score of delay in trial. He has

permanent home and hearth and there is no chance of his abscondence. Hence, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Alam @ Faruk @ Faruk Hossain** 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, Chanchal, Malda subject to condition that he 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 his 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.)