

01.12.2023
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allowed

CRM(DB) No. 3891 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haringhata Police Station Case No. 328 of 2022 dated 10.09.2022 under Sections 498A/304B/302/34 of the Indian Penal Code.

And

In Re : Javed Biswas @ Javed Biswas @ Javed Miyadad
Biswas @ Javed Madad Biswas petitioner

Ms. Rupsa Sreemani

....for the petitioner

Mr. Partha Pratim Das

Mrs. Manasi Roy

.... for the State

1. Learned Counsel for the petitioner submits his wife died on 09.09.2022. Petitioner is a driver. He had driven a vehicle bearing no. WB23D3798 to Guwahati on 06.09.2022. On 09.09.2022 he received information with regard to his wife's death and returned to Kolkata by flight on 10.09.2022. Relying on these facts petitioner submits allegation that he had murdered his wife is improbable. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits report with regard to the plea of alibi. From the report it appears owner of the vehicle Bapi Mondal was interrogated. He endorsed stance of the petitioner that petitioner had left Kolkata in the aforesaid vehicle on 06.09.2022 for Guwahati. Flight ticket showing return of the petitioner to Kolkata on 10.09.2022 also appears to be authentic.

3. In this backdrop, we are inclined to hold that the petitioner has robust plea of alibi. He has roots in society and

there is no chance of abscondence. Investigation is complete. Hence, 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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)