

11.10.2023.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3929 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.530 of 2023 dated 05.05.2023 under Sections 498A/302 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

In the matter of : **Md. Kalimullah @ Khajem.**

.... Petitioner.

Md. Wasim Akram.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Ms. Faria Hossain,
Mr. Anand Keshari

...for the State.

1. Petitioner is in custody for 157 days. Victim-wife had set herself on fire. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits victim-wife had made dying declaration before Magistrate stating that her husband i.e. the petitioner had set her on fire.
3. We have considered the materials on record. Though dying declaration implicating the petitioner is before Magistrate, statement of the father of the couple shows her mother had set herself on fire.
4. In view of this contradictory state of affairs, we are of the opinion petitioner may be enlarged on bail.
5. Accordingly, the petitioner viz **Md. Kalimullah @ Khajem** 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, 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.)