

19.12.2023
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allowed

CRM(DB) No. 4387 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mahisadal Police Station Case No. 265 of 2023 dated 06.05.2023 under Sections 302/304B/34/498A of the Indian Penal Code.

And

In Re : Sk. Solaman petitioner

Mr. Sekhar Bose, Sr. Adv.

Mr. Samiran Mandal

Mr. Somen Bose

Mr. Abhinaba Dan

....for the petitioner

Mr. Prasun Kumar Dutta, learned APP

Mr. P. Ganguly

.... for the State

1. Learned senior Counsel for the petitioner submits he is in custody for 227 days. It is also submitted co-accused are on bail/anticipatory bail. Supplementary charge-sheet shows victim had murdered her child and thereafter committed suicide. Accordingly, he prays for bail.

2. Learned Counsel for the State produces the Case Diary.

3. We have considered the materials on record. It is alleged there was an illicit relationship between petitioner and co-accused Anisha Bibi who is on regular bail. As a result victim committed suicide after murdering her child. It is not a case of homicide as alleged in the F.I.R. There is no chance of abscondence. Under such circumstances petitioner may be enlarged on bail.

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, Haldia, Purba Midnapore, 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.)