

20.12.2023
Sl. No.81
akd
[ALLOWED]

C. R. M. (DB) 4594 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2023 in connection with Panskura Police Station Case No.653 of 2023 dated 09.09.2023 under Sections 498A/304B/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. (G.R. Case No.3069 of 2023)

And

In Re: ***Aspak Ali Khan @ Aspak Kha***

... .. Petitioner

Mr. Sabir Ahmed
Mr. Bhaskar Hutait
Ms. Suman Biswas
Mr. Dhiman Banerjee

... .. for the petitioner

Mr. Sudip Ghosh
Ms. Sreeparna Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 101 days. It is further submitted petitioner was not present at the place of occurrence when his wife committed suicide. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had telephonic exchange with his wife prior to the incident.
3. We have considered the materials on record. Petitioner was not present on the date of occurrence. Investigation is complete. Whether the telephonic conversation contributed to the act of suicide requires to be assessed in the light of the attending circumstances during trial. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Aspak Ali Khan @ Aspak Kha**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purba Medinipur subject to condition that the said petitioner 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.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)