

21.12.2023
Sl. No.77
akd
[ALLOWED]

C. R. M. (DB) 4705 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.12.2023 in connection with Suti Police Station Case No.227 of 2023 dated 02.05.2023 under Sections 498A/325/326/307/34/306 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and subsequently charge sheet submitted under Sections 498A/325/326/307/34/302 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. (G.R. Case No.1040 of 2023)

And

In Re: **Akiruddin Sk. @ Aki @ Akir**

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Gupta

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Ms. Sreyashee Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 232 days. It is further submitted victim had jumped from the mosque. There is no direct evidence that petitioner had pushed the victim resulting in homicidal death. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was seen entering the mosque. Thereafter, he ran away from the spot.
3. We have considered the materials on record. There is no direct evidence that the petitioner had pushed the victim resulting in her death. Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as there is no possibility of trial concluding in the near future, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Akiruddin Sk. @ Aki @ Akir**, 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 Additional Chief Judicial Magistrate, Jangipur, Murshidabad 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.)