

27.09.2023.

Item No. 8
Court No.1
ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 619 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 21.09.2023 in connection with Malbazar Police Station Case No. 759 of 2023 dated 16.09.2023 under Sections 498A/494/495/326 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of: **Ichhab Ali @ Icshab Ali @ Yusuf Ali.**
...petitioner

Mr. Kumar Shantanu. ...For the petitioner

Mr. Kallol Acharjee,
Mr. Kallol Nag.For the State

1. The application for bail is made by the father-in-law in respect of the FIR No.759 of 2023 dated 16th September, 2023. The offences are under Sections 498A/494/495/326 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act. All sections except Section 326 of the Indian Penal Code are punishable with imprisonment not exceeding seven years.
2. This Court is of the view that since the majority except one of the offences under which the petitioner has been charged, are punishable with maximum seven years imprisonment, the Investigating Officer of the case was obliged to issue notice under Section 41A of the Code of Criminal Procedure.

3. This Court has considered the fact that the petitioner is 71 years of old.

4. Considering the old age of the petitioner and subject to the petitioner's co-operating in the investigation and helping the Investigating Officer of the case in tracing out the other accused persons, this Court is of the view that the petitioner shall be released on bail.

5. Let the petitioner be released on bail upon furnishing bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Jalpaiguri.

6. It is further directed that after release, the petitioner shall meet the Investigating Officer of the case atleast twice a week until further orders.

7. C.R.M. (DB) No. 619 of 2023 is, thus, disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)