

09.01.2024.
33.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 29 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haringhata P.S. Case No.328 of 2022 dated 10.09.2022 under Sections 498(A)/302/34 of the Indian Penal Code.

In the matter of : **Imran Biswas.**

.... Petitioner.

Mr. Sibaji Kr. Das,
Ms. Sabana Khatun.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Gautam Wilson.

...for the State.

1. Petitioner submits he is the brother-in-law of the victim lady. It is contended he did not ordinarily reside at the matrimonial home of the said victim. He has been falsely implicated. Co-accused-husband has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Advocate for State contends victim lady was brutally murdered at the matrimonial home. Petitioner is the brother-in-law and had played a role in the crime. Co-accused-husband was not present at the place of occurrence. Hence, he has been enlarged on bail. He opposes the bail prayer.

3. We have considered the materials on record. Allegations involve murder of the housewife at the matrimonial home. It is contended petitioner did not ordinarily reside at the matrimonial home. Statements of witnesses show petitioner had abetted the murder. There is nothing to show that he was present at the place of occurrence on the fateful day. Co-

accused-husband was in Assam on the day of occurrence and had been enlarged on bail.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Imran Biswas** 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, Kalyani, Nadia 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.)