17.01.2024
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Allowed

C.R.M. (DB) No. 143 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 688 of 2023 dated 29.09.2023 under Sections 498A/302/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

And

In Re : Jasimuddin Sk @ Jasim Sk. ..... petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder
.....for the petitioner

Mr. Arijit Ganguly
Mr. Shiladitya Banerjee
.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 109 days. It is also submitted the incident occurred twelve years ago. Victim had committed suicide. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Though FIR was registered under Section 302 of the Indian Penal Code charge-sheet has been filed under Section 306 of the Indian Penal Code. Incident occurred eleven years after marriage. Hence, statutory presumptions under Sections 113A and 113B of the Evidence Act are not attracted. Investigation is complete. There is no chance of his abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Nadia at Krishnagar, Nadia, subject to condition that 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 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.) **(Joymalya Bagchi, J.)**