

06.02.2024
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allowed

CRM(DB) No. 370 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 527 of 2022 dated 09.10.2022 under Sections 498A/304B/302/325/34 of the Indian Penal Code.

And

In Re : Ripon Rana petitioner

Mr. Kazi M. Rahman

....for the petitioner

Ms. Faria Hossain

Mr. Ashok Das

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 382 days. It is also submitted victim housewife had committed suicide. There is no possibility of trial concluding in the near future.

2. Learned Counsel for the State opposes the prayer for bail and submits one witness has been examined.

3. We have considered the materials on record. Victim committed suicide and allegation of murder appears to be improbable. Though trial has commenced in view of number of witnesses proposed to be examined there is little possibility of trial concluding in the near future. There is also 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, Raiganj at Uttar Dinajpur, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without 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.)