

01.03.2024.
112.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 668 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar P.S. Case No.157 of 2023 dated 05.05.2023 under Sections 498(A)/304B/302/201/34 of the Indian Penal Code.

In the matter of : **Mojammel Sekh @ Mozammel Hoque.**

.... Petitioner.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Kazi Mokhlasur Rahman.

...for the Petitioner.

Mr. Suman De.

...for the State.

1. Petitioner is in custody for 300 days. He is the husband of the victim lady. He contends victim lady committed suicide. In-laws have been granted pre-arrest bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits victim lady had been murdered.
3. We have considered the materials on record. Post mortem report shows ligature mark which is high up around the neck. This indicates a case of hanging and not strangulation.
4. Keeping in mind the aforesaid circumstance and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Mojammel Sekh @ Mozammel Hoque** 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, Uttar Dinajpur at Raiganj 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.)