

10.04.2024
Sl. No.32
akd
[ALLOWED]

C. R. M. (DB) 1070 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.03.2024 in connection with Pursurah Police Station Case No.190 of 2020 dated 19.11.2020 under Sections 498A/302/201/34 and Section 4 of the Dowry Prohibition Act. (G.R. Case No.1160 of 2020)

And

In Re: ***Nirmal Bag @ Nirmal Kumar Bag***

... .. Petitioner

Mr. Sourav Chatterjee
Ms. Namrata Chatterjee
Ms. Anwesha Mukherjee

... .. for the petitioner

Mr. Subhamay Bhattacharya
Mr. Arif Ekbar Molla

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in trial. Co-accused i.e. the in-laws of the victim-housewife have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is the husband of the victim-housewife. She was strangled to death and thereafter hung from ceiling.
3. We have considered the materials on record. Victim-housewife suffered homicidal death at the matrimonial home. No explanation was forthcoming from the petitioner and other in-laws who were present in the house with regard to the circumstances leading to the homicidal death of the housewife. But petitioner is in custody for a considerable period of time and only two out of sixteen witnesses have been examined till date. There is little possibility of trial concluding in the near future. There is no chance of abscondence.

Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Nirmal Bag @ Nirmal Kumar Bag***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly subject to condition that the said 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)