

12.04.2024.
61.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1091 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh P.S. Case No.420 of 2023 dated 05.12.2023 under Sections 498(A)/304/34 of the Indian Penal Code and adding Section 419 of Indian Penal Code read with Section 27 of the Arms Act.

In the matter of : **Sk. Aynal.**

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Arindam Sen,
Mr. Mainak gupta.

...for the State.

1. Petitioner is in custody for 92 days. He submits victim had been treated in various hospitals prior to her death. There is no livelink between the treatment of the victim by the petitioner and her unfortunate death. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner is the husband of the victim. He had treated her at the residence and had administered 40 bottles of saline. This caused her death.

3. We have considered the materials on record. Initially, petitioner had treated his wife at his residence. It is alleged he had administered 40 bottles of saline. Prosecution contends this had resulted in kidney damage. However, petitioner shifted her to a hospital where she was treated. Unfortunately, the victim did not survive. Whether there is a livelink between the

manner of treatment of the victim at the residence and her ultimate demise requires to be assessed during trial. Investigation is complete. There is no chance of abscondence.

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

5. Accordingly, the petitioner viz., **Sk. Aynal** 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, Arambagh, Hooghly 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.)