

141.
20-05-2024
(ct. no.06)
debajyoti
(allowed)

CRM (DB) 1500 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabagram Police Station Case No.461 of 2023 dated 22-12-2023 under Sections 498A/304B/306/34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961.

- A n d -

**In the matter of : Aarif Mohammed @ Mohammed Arif @
Arif Mohammad @ Aarif Sk @ Mohammed
.... Petitioner.**

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman
... For the Petitioner.

Mr. Bitasok Banerjee,
Mr. Avishek Verma
... For the State.

Mr. Tapodip Gupta,
Mr. Suman Bhanja
... For the defacto complainant.

The charge is under Sections 498A/304B/306/34 of the Indian Penal Code, 1860 read with Section 4 of the Dowry Prohibition Act, 1961.

The petitioner is the husband of the deceased. He says that he has no role to play in the suicide committed by the victim. He never made demand for any dowry. He has been in custody for 150 days. Investigation is complete and charge sheet has been filed.

The State opposes the prayer for bail and produces the Case Diary. Our attention is drawn to statements of neighbours recorded under Section 164 of the Code of Criminal Procedure. The allegations are of omnibus nature. We have also seen the post mortem report.

On an overall consideration of the material on record and the gravity of the offence as well as the possible extent of

complicity of the petitioner in the alleged crime and also considering that the charge sheet has already been submitted, we are of the opinion that custodial detention of the petitioner is no more necessary.

Accordingly, we direct that the petitioner, namely, **Aarif Mohammed @ Mohammed Arif @ Arif Mohammad @ Aarif Sk @ Mohammed**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad. The 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

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.

The application for bail being CRM (DB) 1500 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)