

10.06.2024
Item no.32.
Court No.28.
S. De

CRM (DB) No. 1551 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.05.2024 in connection with Kushmandi Police Station Case No. 01 of 2022 dated 01.01.2022 under Sections 498A/302/34 of the Indian Penal Code.
And

In the matter of : Golam Ali.Petitioner.

Mr. Biswajit Manna,for the Petitioner.

Mr. Sudip Kumar,
Mr. Asraf Mandal,for the State.

The allegation is under Sections 498A/302/34 of the Indian Penal Code. The petitioner is the brother-in-law (husband's elder brother) of the victim lady.

The petitioner says that he has no connection with the alleged offence. The principal accused being the husband of the victim lady is in custody. Chargesheet has been filed and trial is in progress. He is in custody for about one year and one month. His further custodial detention is not necessary.

Learned advocate for the State produces the case diary and opposes the prayer for bail. He draws our attention to the statements of witnesses recorded under Section 161 of the Criminal Procedure Code. We have seen such statements. The allegations are omnibus and general in nature.

On an overall assessment of the material-on-record and the possible extent of complicity of the petitioner in the alleged

offence, we are inclined to extend the privilege of bail to the petitioner.

Accordingly, we direct that the petitioner, namely **Golam Ali** 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, Balurghat and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

