

21.05.2024
Item no. 155.
Court No.6.
AB
(Allowed)

CRM (DB) 1584 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No.571 of 2023 Dated 24.11.2023 under Sections 498A/302/326/307/34 of the Indian Penal Code

And

In the matter of : Ramjan Sk.

.....Petitioner.

Mr. Navanil De,
Ms. Monami Mukherjee for the Petitioner.

Mr. Sekhar Barman for the State.

Md. Bani Israil for the Defacto Complainant.

The charge is under Sections 498A and 302 of IPC. The petitioner is the brother of the sister-in-law of the victim lady. Allegedly kerosene was poured on the victim lady and she was put on fire by her husband with the aid of her sister-in-law.

The petitioner says that he has absolutely no connection with the alleged incident. He does not even stay in the same place where the victim used to reside. He has been falsely implicated in the matter.

Learned Advocate for the State produces the case diary. We have gone through the contents thereof.

Learned Advocate for the defacto complainant says that there is a videography wherein the victim before her death named the present petitioner as one of the offenders.

We have seen a copy of the dying declaration annexed to the instant petition. The victim named her husband as the person who poured kerosene on her and her sister-in-law, Alima Khatun as the person, who started the fire with a matchstick. She also stated that her mother-in-law and husband's sister were present at the place of occurrence and instigating the husband and the sister-in-law. The present petitioner does not find mention in the dying declaration.

We are also told that charge sheet has been filed upon completion of investigation. The petitioner is in custody for 175 days.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence as also since investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely Ramjan Sk. 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, Lalbagh, and on further conditions that he shall remain within the jurisdiction of the concerned police station and 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.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)