

26.06.2024
Item no.44.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1777 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.06.2024 in connection with Manikchak Police Station Case No. 48 of 2024 dated 16.01.2024 under Sections 498A/326/307/313/34 of the Indian Penal Code.

And

In the matter of : Sk. Mojahar @ Mojahar SK @ Ali.

.....Petitioner.

Md. Wasim Akram,

.....for the Petitioner.

Mr. Pravash Bhattacharyya.,

Mr. Prakash Mishra,

.....for the State.

The petitioner is the father-in-law of the victim lady. He is aged about 60 years. He says that he has been falsely implicated. He has no role to play in the alleged offence.

The prosecution alleges that the petitioner's son poured kerosene on the victim and he and his family members set her on fire. She suffered 65% burn injury.

The petitioner however, says that following a domestic quarrel, the victim tried to kill herself by setting herself on fire. The petitioner's son and other family members took the victim to hospital. In the process the petitioner's son also suffered burn injury.

We have gone through the material in the case diary including statements of witnesses and the victim girl recorded under Section 161 Cr.P.C.

We notice that investigation is complete and chargesheet was filed in April 20, 2024. Therefore, further custodial detention of the petitioner is not necessary.

On an overall assessment of the nature and quality of the material on records and the possible extent of complicity of the petitioner in the alleged offence, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner namely **Sk. Mojahar @ Mojahar Sk. @ 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, Malda and on further conditions that he shall remain within the jurisdiction of the concerned police station.

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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)