

02.07.2024
Item no. 46.
Court No.28.
AB
(Allowed)

CRM (DB) 1888 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Hemtabad Police Station Case No.202 of 2023 Dated 17.09.2023 under Sections 498A 324/326/307 of the Indian Penal Code read with Sections 3 and 4 of the DP Act

And

In the matter of : Samsheer Ali @ Manglu

.....Petitioner.

Mr. J. I. Hossainfor the Petitioner.

Mr. Sanjay Bardhan,
Mr. Tirupati Mukherjeefor the State.

The petitioner is the husband of the victim lady. The charge is under Section 498A IPC, attempted murder and causing grievous bodily hurt.

The petitioner says that he has been falsely implicated. He is in custody for 125 days. Charge sheet has been submitted upon completion of investigation. His further custodial detention is not necessary at all.

Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the injury report. No doubt, the victim/wife suffered head injury. But we are told that she is keeping well now.

We have also been shown statements of witnesses recorded under Section 164 Cr.P.C. including the statements of

the victim and her minor son. We understand that the charge has been framed and date has been fixed for recording of evidence. The next schedule is July 29-31, 2024.

On an overall consideration of the nature and gravity of the alleged offence, the possible extent of complicity of the petitioner in the alleged crime and the nature and quality of evidence so far available, we are of the view that further custodial detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner, namely **Samsher Ali @ Manglu** 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, Uttar Dinajpur at Raiganj and on further conditions that he shall not leave the jurisdiction of the Hemtabad 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.

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.)