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21-06-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1838 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hanskhali Police Station** Case No. **408 of 2023** dated **13.05.2023** under Sections **498A/302/34** of the Indian Penal Code read.

- A n d -

In the matter of : Purno @ Purno Roy @ Purno Mondal

.... Petitioner.

Mr. Snehansu Majumder,

... For the Petitioner.

Mr. Subrata Roy,
Mr. D. Dutta,

... For the State.

The charges are under Sections 498A/302/34 of the Indian Penal Code.

The petitioner is the husband of the deceased lady. The petitioner says that there was an usual marital quarrel between him and his wife. In the heat of the moment he struck the victim lady with a piece of wood. That caused serious injury to the lady. He and his mother took the lady to hospital and then shifted her to a nursing home. His wife succumbed to the injury in the nursing home. He had no intention of causing grievous bodily harm to his wife far less of killing his wife. He says he is in custody for 402 days. He prays for bail. He has a six year old child to look after.

Learned Advocate for the State, while opposing the prayer for bail draws our attention to the material in the case diary including the statements of witnesses recorded under Sections 164/161 of the Code of Criminal Procedure.

We are told that charge sheet was submitted on August 2, 2023. Date for consideration of charge is July 12, 2024. We do not

understand why there is such a delay between these two dates of submission of charge and consideration of charge.

Be that as it may, on an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that since investigation is complete and charge sheet has been submitted, further custodial detention of the petitioner may not be necessary. We are inclined to grant bail to the petitioner but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Purno @ Purno Roy @ Purno Mondal**, 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, Ranaghat, Nadia and on further conditions that he shall not leave 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 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.)**