

10.07.2024
Item no.49.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2007 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 26.06.2024 in connection with Sagarpara Police Station Case No. 324 of 2023 dated 01.11.2023 under Sections 498A/304B/302/34 of the Indian Penal Code 1860 and under Section 4 of the Dowry Prohibition Act 1961.

And

In the matter of : Md. Morjem Ali @ Morjem Ali @

Morjem Sarkar.

.....Petitioner.

Mr. Arnab Chatterjee,
Mr. Dhanasree Biswas,
Ms. Poulami Bose,

.....for the Petitioner.

Mr. Sudip Kumar, Ld. APP,
Mr. R. Jana,

.....for the State.

Mr. Jisan Iqubal Hossain,

...for the de facto
complainant.

The petitioner is the husband of the victim lady. He says that he has been framed in this case. He had no intention of harming his wife. He is in custody for 185 days. Investigation is complete. His further detention is not required.

Learned advocates for the State and the de facto complainant oppose the prayer for bail. They say that the post mortem report shows that something was injected to the victim, as a result of which she died. It was the petitioner who claims to be a doctor and who runs a medical shop is a quack doctor. Statements of neighbours are to the effect that there was a long

standing dispute between the petitioner and the victim lady. Bail should not be granted.

We have seen the material-on-record including the statements of witnesses recorded under Section 161 Cr.P.C. Investigation is complete. It is also not the case of the prosecution, at least as of now, that poison was administered to the victim. It is stated that the FSL report is awaited. Prima facie, it appears that if there was that strong a marital dispute between the petitioner and the victim, the victim would not have gone to the petitioner's medical shop after feeling ill.

On an overall assessment of the material-on-record and the possible extent of complicity of the petitioner in the alleged crime as also because 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 **Md. Morjem Ali @ Morjem Ali @ Morjem Sarkar** 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, Berhampore, Murshidabad 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.)