

29.
Court
No.28

21.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2114 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Berhampore** Police Station Case **No.553/2022** dated **25.04.2022** under Sections **498A/302/34** of the Indian Penal Code, 1860 read with Sections **3/4** of the Dowry Prohibition Act. Charge-sheet submitted under Sections **498A/302** of the Indian Penal Code, 1860.

And

In the matter of: - **Sobur Sk @ Sobur Ali @ Sabur Ali @ Sabur Sk.**
...petitioner.

Mr. Tapodip Gupta
Mr. Suman Bhanja
...for the petitioner.

Mr. Debasish Roy, Ld. PP
Mr. Arijit Ganguly
Mr. Kaushik Chandra Gupta
...for the State.

Dictated by Arijit Banerjee, J.

1. The allegations are under Sections 498A/302 of Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act. The petitioner is the husband of the deceased lady. The petitioner says that he has been framed. He has no connection with the alleged incident. At the time of the incident he was in Nagpur. He is in custody for two years, three months and 19 days. Only four out of 20 charge-sheet named witnesses have been examined. He prays for bail.
2. While opposing the prayer for bail, learned Public Prosecutor draws our attention to the material in the case diary including the post mortem report.

3. We see that the 12-year old girl of the petitioner and the deceased lady has been examined by the learned Trial Court. She clearly stated that on the day of the incident her father i.e., the petitioner was in Nagpur working as a mason. She further said that for two years prior to the incident, her father was residing in Nagpur for work purpose. We also see that the said witness was not declared as hostile by the prosecution. Let certified copy of the deposition be kept with the records.
4. In view of the aforesaid and considering the already lengthy detention of the petitioner and that it is very unlikely that the trial will conclude at an early date, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Sobur Sk @ Sobur Ali @ Sabur Ali @ Sabur Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the geographical limits of the district

of Murshidabad till conclusion of the trial and shall report to the Officer-in-Charge, Berhampore Police Station once in every week until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 2114 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)