

05.09.2024
Item no. 79.
Court No.28.
AB
(Allowed)

CRM (DB) 2500 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Habibpur Police Station Case No.143 of 2024 Dated 27.05.2024 under Section 498A/304B/306/34 of the Indian Penal Code

And

In the matter of : Shrijal Hansda @ Shreejal & Anr.

.....Petitioners.

Mr. Amitava Karmakar
Mr. A. K. Bhowmickfor the Petitioners.

Mr. Debasish Roy, ld. PP
Mr. Arijit Ganguly
Mr. Kaushik Kundufor the State.

Dictated by Arijit Banerjee, J.

1. Leave is granted to learned Advocate on record for the petitioners to amend the cause title of the bail petition by incorporating Section 306 IPC.
2. The charge is under Sections 498A/304B/306/34 IPC. The petitioner no.1 is the husband and the petitioner no.2 is the father in law of the victim lady. They say that they are in custody for 100 days. Investigation is complete. They pray for bail.
3. Opposing the prayer for bail, learned State Counsel draws our attention to the post mortem report as also statements of neighbours recorded under Section 164 Cr.P.C. The post mortem report states that the cause of

death is “hanging ante mortem in nature”. The statements of the neighbours are general in nature.

4. On an overall assessment of the material on record and considering that investigation is complete, we are of the view that further custodial detention of the petitioners is not necessary.
5. Accordingly, we direct that the petitioners, namely **Shrijal Hansda @ Shreejal and Mushui Hansda @ Musui** shall be released on bail upon furnishing a bond of Rs.10,000/-each, 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 they 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.
6. The petitioners 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.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners’ bail in accordance with law without further reference to this Court.
8. The application for bail is, accordingly, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)