

10.09.2024
Ct. No. 06
SL No. 39
S.De

C.R.M. (DB) 2656 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Patiram P.S. Case No. 46 of 2024** dated **21.02.2024** under **Sections 498A/307/302/120B** of the Indian Penal Code.

And

In the matter of: **Mamtaj Ali Sarkar**.

Mr. Biswajit Manna, ...for the Petitioner

Mr. Ranadeb Sengupta,
Mr. Subhasish Datta,for the State

1. Petitioner is the brother-in-law of the victim lady. He is in custody for 76 days. He prays for bail.
2. Learned advocate for the State opposes the prayer for bail.
3. We have considered the materials on record including the dying declaration. In the dying declaration, victim stated, her husband had set her on fire.
4. Keeping in mind the extent of complicity of the petitioner in the alleged offence, we are inclined to release him on bail.
5. Accordingly, we direct the petitioner 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, Dakshin Dinajpur, Balurghat subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.

7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)