

11.11.2024
Sl. No.54
akd
[ALLOWED]

C. R. M. (DB) 2703 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 14.08.2024 in connection with Hemtabad Police Station Case No.41 of 2023 dated 02.03.2023 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re: ***Pranab Kumar Madhu @ Pronob Modhu***

... .. Petitioner

Mrs. Sonali Das

... .. for the petitioner

Mr. Arindam Sen

Ms. Jonaki Saha

... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for about one year and eight months. It is further submitted petitioner is the father-in-law of the victim lady. It is also submitted there is no direct evidence that the petitioner and others had administered poison to her. Accordingly, he renews his prayer for bail.

2. Learned Advocate for the State opposes the prayer for bail and places on record the evidence of the parents of the deceased.

3. We have considered the materials on record. In their evidence witnesses stated victim had made an oral statement to them that she was administered poison. No dying declaration has been recorded in the hospital records during treatment of the victim. Credibility of their depositions has to be seen in light of the aforesaid circumstance during trial. Vital witnesses have been examined. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Pranab Kumar Madhu @ Pronob Modhu***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 2nd Fast Track Court, Raiganj, Uttar Dinajpur subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)