

237
05-10-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 2767 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Daspur Police Station Case No. 207 of 2022** dated **27.05.2022** under Sections **498A/326(A)/307** of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

- A n d -

In the matter of : Sk. Toyab Ali @ Sk Tayab Ali @ Sekh Taiyub Ali

.... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Ms. Jayashree Patra,
Ms. Pritha Sinha,

.... For the petitioner.

Mr. Rana Mukherjee,
Mr. Ashok Das,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The allegation is that the petitioner poured acid on his wife causing serious burn injury. The charge is under Sections 326(A)/307/498A of the Indian Penal Code read with certain provisions of the Dowry Prohibition Act.

2. The petitioner says that he is in custody for two years four months. The victim lady, his wife, has been examined. She has deposed that she accidentally fell on a bowl of acid. She has been declared hostile by the prosecution. He prays for bail.

3. Learned State Advocate vehemently opposes the bail prayer.

4. The victim's deposition has *prima facie* caused a huge dent in the prosecution case. Hence and also keeping in mind the long detention of the petitioner, we enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Sk. Toyab Ali @ Sk Tayab Ali @ Sekh Taiyub Ali**, 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 Additional Sessions Judge, Ghatal, Paschim Medinipur subject to condition that he shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned Police Station and shall meet the officer in charge of the concerned Police Station once in a fortnight until further order.
6. 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)