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03-12-2024
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3162 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **English Bazar Police Station Case No. 1107 of 2021** dated **02.09.2021** under **Sections 498A/302/34** of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

And

**In the matter of : Mozammel Hoque @ Mojammel Sk. @
Mojammel Hoque.**

.....Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja,

.....for the Petitioner.

Mr. Md. Adil Badr,
Mr. Parvej Anam,

.....for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is in custody for more than 3 years and 2 months. Only 9 out of 22 chargesheet named witnesses have been examined so far. There is no chance of an early conclusion of the trial. considering his period of detention he may be enlarged on bail on any condition.
2. Learned counsel appearing for the State, in his usual fairness, does not dispute such contention and leaves the matter to the discretion of the Court.
3. We have considered the material on record. There is no chance of an early conclusion of the trial since 13 more witnesses are to be examined. It is anybody's guess when the trial will conclude.
4. In view of the above, we are inclined to allow the prayer for bail of the petitioner on certain conditions.

5. Accordingly, we direct that the petitioner, namely, **Mozammel Hoque @ Mojammel Sk. @ Mojammel Hoque** 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, Malda subject to the condition that he shall not leave the jurisdiction of the concerned Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioner 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 in any manner whatsoever.
7. 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.
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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)