

22.10.2024
Sl. No.24
akd/AP
[ALLOWED]

C. R. M. (DB) 3569 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 01.10.2024 in connection with Itahar Police Station Case No.113 of 2023 dated 09.04.2023 under Sections 498A/325/307/302/34 of the Indian Penal Code. (G.R. Case No.726 of 2023)

And

In Re: **Saiful Haque @ Saifulla @ Sariful Haque**
... .. Petitioner

Mr. Jisan Iqubal Hossain
... .. for the petitioner

Mr. Kazi M. Rahaman
... .. for the de-facto complainant

Mrs. Sujata Das
Mr. Asif Dewan
... .. for the State

1. This is an application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in respect of Itahar Police Station Case No.113 of 2023 dated 09.04.2023 under Sections 498A/325/307/302/34 of the Indian Penal Code.
2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is in custody in connection with the instant case for about one year. Yet, only a charge sheet has been submitted citing 21 witnesses. Not even have charges been framed. The alleged incident happened all of a sudden and it is alleged that the petitioner gave a single blow on the body of the victim.
3. Learned counsel appearing on behalf of the State opposes the bail application. Relying on the case diary, she points to the statements of eyewitnesses including neighbours.

4. It appears that as per prosecution case the petitioner went to her in-laws' place and in the course of conversations, suddenly assaulted the victim who was her mother-in-law with an iron rod. The victim succumbed to her injuries.

5. It appears that the petitioner is already in custody for about a year. Yet, only a charge sheet has been submitted. It further appears that 21 witnesses would have to be examined during trial.

6. In view of the nature of assault alleged and considering the fact that the petitioner is already in custody for about a year, we are inclined to allow the petitioner's prayer for bail.

7. Therefore, the accused/petitioner, namely **Saiful Haque @ Saifulla @ Sariful Haque**, 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 Chief Judicial Magistrate, Raiganj, Uttar Dinajpur subject to conditions that during trial the said petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

8. In the event he fails to comply with the conditions without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this court.

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

10. Criminal Section is directed to provide certified copy of this order, if applied for, to the parties upon completion of requisite formalities.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)

