

14.11.2024
Sl. No.80
SG
[ALLOWED]

C. R. M. (DB) 3605 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.10.2024 in connection with Harishchandrapur Police Station Case No. 877 of 2023 dated 20.08.2023 under Sections 498A/304B/34 of the Indian Penal Code, 1860.

And

In Re: ***Md. Jahangir Alam @ Jahangir Alam***
... ... Petitioner

Mr. Rajdep Majumdar,
Mr. Mayukh Mukherjee,
Mr. Pritam Roy,
Mr. Debayan Ghosh,
Ms. Poulami Bose

... ... for the petitioner

Mr. Md. Adil Badr,
Mr. Yaser A. Ismail.

... ... for the State

1. Learned Advocate for the petitioner submits he is in custody for one year and three months and he renews his bail prayer on the ground of delay.
2. Learned Advocate for the State submits report.
3. We have considered the materials on record. Bail prayer of the petitioner was earlier rejected on merits on 12.03.2024. Thereafter, the case has been committed to the court of Sessions but charge could not be framed due to absence of judicial officer on two dates. Petitioner is not responsible for the delay. There is no chance of abscondence. Post mortem report shows victim committed suicide and offence, even if proved, may not attract mandatory life imprisonment.
4. Keeping in mind these facts and as the progress in trial is tardy, we are inclined to grant bail to the petitioner.

5. Therefore, the accused/petitioner, namely ***Md. Jahangir Alam @ Jahangir Alam*** 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 Chief Judicial Magistrate, Chanchal, Malda 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.
6. In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)