

22.11.2024
Ct. No. 28
ADSL No. 12
SB/SG

CRM (DB) 3796 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Jagatballavpur P.S. Case No. 73 of 2024 dated 15.4.2024 under Sections 498A/302/34 of Indian Penal Code and Section 3 & 4 of D.P. Act.

And

In the matter of: Sekh Motiar @ Sekh Motiar Rahaman @ Motiyar Rahaman
Sekh

Mr. Soumya Basu Roy Chowdhuri

... for the petitioner

Mr. Debasish Roy, Ld. P.P.

Md. Yaser A. Ismail

...for the State

1. Petitioner submits medical opinion does not support a case of homicide. He is in custody for about 214 days. He is the husband of the victim house wife. He prays for bail.
2. Learned counsel for the State submits neighbours stated victim house wife had been assaulted on the day of the incident.
3. We have considered the materials on record. Though neighbours stated victim house wife have been assaulted, medical officer noted the injuries are not sufficient to cause death.
4. Under such circumstances, co-accused Sk. Moreselim Ali has been enlarged on bail. Petitioner is in custody for about 214 days and investigation is complete. There is no chance of abscondence.
5. Accordingly, we are inclined to grant bail to the petitioner.
6. Accordingly, we direct the petitioner namely, Sekh Motiar @ Sekh Motiar Rahaman @ Motiyar Rahaman Sekh, 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, Howrah subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

7. In the event, petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail prayer in accordance with law without further reference to this Court.
8. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)