

05.01.2024.
39.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia P.S. Case No.274 of 2023 dated 19.09.2023 under Sections 302/120B/34 of the Indian Penal Code.

In the matter of : **Dakhidul Sk @ Kalu.**

.... Petitioner.

Mrs. Karabi Roy.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Arindam Sen.

...for the State.

1. Petitioner submits husband of Manjura Mondal was subject to custodial violence and died. Since Manjura and others complained against police authorities, they have been falsely implicated. Co-accused have been granted bail/anticipatory bail. Accordingly, petitioner prays for bail.
2. Learned Advocate for State produces the Case Diary.
3. We have considered the materials on record. Credibility of the statements of witnesses are to be assessed in light of prior enmity between Manjura Mondal and her associates including the petitioner on the one hand and the police authorities on the other hand. Co-accused are on bail/anticipatory bail.
4. Keeping in mind the aforesaid facts and other attending circumstances, we are inclined to grant bail to the petitioner
5. Accordingly, the petitioner viz., **Dakhidul Sk @ Kalu** 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 Chief Judicial Magistrate, Tehatta, Nadia subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)