

07.05.2025

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jb.

jdt.

Allowed

C.R.M. (M) 189 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Berhampore Police Station Case No. 1805 of 2024 dated 11th November, 2024 under Sections 85/80(2)/3(5) of the Bharatiya Nyaya Sanhita and under Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Osman Gani @ Usman @ Usman Gani

Mr. Arnab Chatterjee

... For the Petitioner.

Ms. Sayanti Santra

Mr. Ratul Ghosh

... For the State.

The petitioner is in custody or more than 100 days and prays for bail.

Learned counsel for the petitioner submits that the parents in law of the victim were granted anticipatory bail by this Court upon consideration of the statements of independent witnesses recorded under Section 164 of the Code of Criminal Procedure. Witnesses have stated that the petitioner and his mother were not at home when the incident occurred. The petitioner's father appears to be a person with special needs.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

There are allegations of torture against the petitioner and his parents. The statement of witnesses indicates that the petitioner and his mother were not in the house when the victim committed suicide.

Whether the conduct of the petitioner can be held to be the proximate cause for commission of suicide by the victim shall be assessed at the appropriate stage of the proceeding.

Considering the material on record including the statement of witnesses, this Court is of the view that further detention of the petitioner is not required and he may be granted bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Osman Gani @ Usman @ Usman Gani shall be released on bail upon furnishing 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, Berhampore, Murshidabad subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)