

20.06.2025

Item No.18

Ct.No.34

rc.

Allowed

C.R.M. (M) 406 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliganj Police Station Case No. 791 of 2022 dated 13.12.2022 under Sections 498A/302/34 of the Indian Penal Code..

And

In Re : **Samir Sekh @ Sk.**

... Petitioner

Mr. Joydeep Biswas

Mr. Asraf Mondal

Mr. Kaushik Ghosh

... for the Petitioner

Mr. Koushik Kundu

Mr. Prakash Mishra

...for the State

The petitioner is in custody for more than two years.

Learned counsel for the petitioner submits that the vulnerable witnesses have been examined and they have not supported the prosecution case. The petitioner prays for bail.

Learned counsel for the State opposes the prayer.

I have considered the material on record as well the evidence led by witnesses so far. Out of two eye witnesses, one has turned hostile. The other eye witness was unable to complete his evidence as he fell sick in Court. His evidence was abandoned at that stage. The petitioner is the brother in law of the victim who committed suicide by hanging. Considering the material on record, particularly the evidence led by witnesses, this Court is of the view that further

detention of the petitioner is not required and he may be granted bail.

Accordingly prayer for bail is allowed.

The petitioner 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, Nadia at Krishnanagar subject to condition that he shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without 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, thus, disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)